

# MARYLAND HISTORICAL MAGAZINE

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# THE EDITOR'S PAGE

Because the bicentennial craze is threatening to get out of hand, it is with some trepidation that this issue offers a spate of articles on the era of the Revolution. Perhaps some thoughtful essays will be found refreshing. Yet even the more ephemeral of our bicentennial celebrations speak to a deep-seated urge to commemorate our national heritage. Most citizens take pride in our past accomplishments, and even those more critical of our past and present performance as a nation find within our announced intentions—as summarized in the opening paragraphs of the Declaration of Independence—the grounds for their criticism. There is a national desire to rediscover a sense of purpose, a destiny higher than military and political shortsightedness. The public mood seems to be one of anticipation, waiting for a leader who can reconcile and inspire the people. In this period of concern about both the present and the next century, many seek to find in our history a sense of worth and a national agenda for the future. But this well-meaning awakening to the value of knowing from whence we came is undercut by the shocking historical ignorance of a large proportion of the public. A recent *New York Times* study showed that college freshmen are woefully deficient in their knowledge of United States history. The February Gallup poll, reporting how Americans rated the “great” presidents, suggests a staggering public ignorance. There are no doubt many causes for our historical illiteracy—the fault of the schools and the family quickly comes to mind. Moreover, few scholars today write for the public, and the primitive state of book distribution by the university presses prevents the educated layman from even seeing many quality publications. The most widely available history is often at a level of popularization that does little credit to the average reader. Part of the task of the Maryland Historical Society is to introduce the larger public—from school children to senior citizens—to the vitality of our past. The bicentennial exhibit, for example, is a vivid portrayal of selected aspects of life in the eighteenth century. The articles in this magazine attempt to illuminate the state's past, and the book reviews serve as a Baedeker for the traveler through the pages of history. We hope to make the *Maryland Historical Magazine* live up to its purposes, and we solicit your suggestions and support. This nation and all its people have a heritage too valuable to lose through neglect. The Maryland Historical Society wants to help us collectively understand and live up to the promises declared 200 years ago.

JOHN B. BOLES



This special enlarged issue is made possible by a grant from the Maryland Bicentennial Commission. The Editor, the Maryland Historical Society, and the readers extend their appreciation to the Commission for its support of historical scholarship and publishing.



# JOHN HANSON, PUBLIC SERVANT

RALPH B. LEVERING

JOHN HANSON IS REMEMBERED TODAY LARGELY BECAUSE HE SERVED AS "PRESIDENT of the United States in Congress Assembled" from November 1781 until November 1782. Marylanders are aware of the John Hanson Highway between Washington and Annapolis, and some also know that Hanson and Charles Carroll of Carrollton are the two Marylanders honored by statues in the Capitol in Washington; yet most know little, if anything, about the man. Hanson, in fact, did serve the first full term as president of Congress under the Articles of Confederation and is the only Marylander ever to serve in the highest office of the United States.

Unfortunately, so much attention focused on the honor of his service as presiding officer of the Continental Congress has resulted in too little attention being devoted to understanding his earlier career in provincial politics and in the revolutionary movement in Maryland. This essay seeks not only to place Hanson's life in better perspective, but, by so doing, also to contribute to an understanding of how the American Revolution unfolded in Maryland and what it meant to those who experienced it.

At the time of John Hanson's birth in 1721, his family had already risen to a position of wealth and prominence in the Charles County gentry.<sup>1</sup> It was a classic American success story: Hanson's grandfather, Col. John Hanson, was an orphan who came as a youth to the Swedish settlement on the Delaware in the 1640s and proceeded to Maryland about a decade later. By the 1670s he was a respected citizen of the rapidly developing area around Port Tobacco in Charles County. He served as executor of many estates, bought land whenever possible, and fathered seven children, most of whom married well and had large families of their own. Through marriage the Hansons became related to the Briscoes, the Jenifers, the Stones, and other prominent families in southern Maryland.

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Dr. Ralph B. Levering is an assistant professor of history at Western Maryland College.

1. See Harry Wright Newman, *Charles County Gentry* (Baltimore, 1971), pp. 219-44. A grant from the Maryland Bicentennial Commission helped to defray the travel and other expenses incurred in researching and writing this essay. I also appreciate the assistance of librarians and archivists at Western Maryland College, the Maryland Historical Society, the Historical Society of Pennsylvania, the American Swedish Historical Museum, and the Hall of Records in Annapolis. I especially wish to thank Mr. David Wise for providing unprocessed data from the Legislative History Project of the Hall of Records, and Judge Edward S. Delaplaine of Frederick for sending me materials he has written about Hanson. This article was published in a limited edition as a pamphlet by Western Maryland College.

Colonel Hanson's youngest son, Samuel, married Elizabeth Story about 1706. The seventh of their eleven children, John, was born on the family plantation of Mulberry Grove on April 13, 1721, "about 2 or 3 in ye afternoon."<sup>2</sup>

Very little is known about John Hanson's early life. Because of his known competence in writing and bookkeeping as a young adult, one can infer that he received instruction from private tutors, as was the custom among well-to-do families. One can also infer that Hanson had great respect for his father, for he followed him into the careers of planter, land speculator, county official, and delegate to the provincial Assembly.

Given the ties among the Maryland gentry, it is not surprising that Hanson, the son of a prominent Charles Countian, married the daughter of Alexander Contee of neighboring Prince George's County, who had also served in the lucrative post of county clerk and in the provincial Assembly. John Hanson, age 22, married Jane Contee, age 17, in 1743, and the young couple had eight children during the next twenty years. The family's size was fairly typical for the time, but John and Jane Hanson experienced more than their share of sorrow. During the 1750s and early 1760s, one child died at age 1, another at age 2, and a third at age 7. Three more died in young adulthood during the years 1776 through 1781, and neither of the two remaining children were still alive when their mother died in Frederick in 1812.<sup>3</sup>

Hanson's public career began in 1750 when, at age 29, he was named Sheriff of Charles County. Under Maryland's proprietary system of government, sheriffs were appointed by the Calvert family's representatives in Annapolis as part of "His Lordship's patronage."<sup>4</sup> Sheriffs collected fees and taxes and kept a percentage as payment for their services. Between November 1750 and November 1752, for example, Hanson earned a commission of 3 pounds, 1 shilling, and 11 pence on licenses which sold for 61 pounds, 18 shillings, and 4 pence.<sup>5</sup>

Following in his father's footsteps, Hanson ran for the provincial Assembly in 1754. At that time elections were by voice vote, and on election day liquor and other favors were often dispensed. Because of lax procedures, petitions frequently were presented to the Assembly requesting that an election be declared void. Indeed, the official proceedings of the Assembly state that, on December 18, 1754, the delegates "again took into Consideration the Petition of Arthur Lee and John Hanson, of Charles County, Gentlemen, and after Mature Deliberation thereon, the Question was put, Whether the Election of Delegates for Charles County, at the last election, is void, or Not?" Although Hanson and Lee lost their bid for a new election by the unusually close vote of 27-23, they did gain support in a losing cause from such prominent delegates as Matthew Tilghman and William Paca.<sup>6</sup>

Both Hanson and Lee won the next time they stood for election to the Assembly, and both were sworn in as delegates on September 28, 1757. For

2. *Ibid.*, p. 243.

3. *Ibid.*; *Maryland Historical Magazine*, 67 (1972): 445.

4. Donald MacClure Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland* (Baltimore, 1953), p. 67.

5. *Archives of Maryland*, ed. William H. Broome et al., 72 vols. to date (Baltimore, 1883-), 50: 137.

6. *Ibid.*, p. 606.

Hanson, who was now 36 years old, it was the beginning of twelve years as a representative from Charles County, a position he vacated voluntarily when he became deputy surveyor of Frederick County in the fall of 1769.

Hanson, who by all indications was likeable and well-respected, quickly rose to a position of leadership in the House of Delegates. On February 14, 1758, he was appointed to two important committees established to examine the province's financial affairs.<sup>7</sup> As sheriff and as a planter Hanson had gained much experience in bookkeeping, and finance became his specialty in the Assembly and in his subsequent public career in Frederick and Philadelphia. Hanson also frequently received the honor of taking newly-passed bills from the House of Delegates to the upper house, or Council.

By the fall of 1760 Hanson clearly was a major figure in the House of Delegates. At the September–October 1760 session Hanson, Edward and Matthew Tilghman, Charles Carroll of Annapolis, and William Murdock were named to bring in the all-important supply bill for raising funds; and Hanson was also named, along with two others, to another important finance committee.<sup>8</sup> The following spring he served on the committee on expiring laws and on committees to “bring in a Bill for Establishing a College within this Province,” to draft the supply bill, to inspect the loan office, and to prepare the estimates;<sup>9</sup> after the election of November 1761, one student of the assembly has noted, Hanson and the six other “old popular leaders who had been returned were once again in full control.”<sup>10</sup>

As indicated, Hanson was one of the leaders of the majority political grouping in the House of Delegates, commonly called the country party. The opposing grouping, the proprietary party, was much more sympathetic toward the proprietor's interests in the province and often toward the crown as well. During Hanson's service as a delegate from Charles County in the late 1750s and 1760s, tensions rose between the country party and large segments of the people of Maryland on one side, and the proprietary party and the province's officials on the other. These tensions presaged the revolutionary movement a decade later, for the American Revolution in Maryland was both a revolt against proprietary rule and a process of abandoning allegiance to Great Britain.<sup>11</sup>

In the Assembly Hanson consistently opposed the system of proprietary privilege and taxation which enriched the Calvert family, the governor, and the numerous proprietary officials in the colony, and which even the governor's secretary admitted was a “tyranny of institutions...”<sup>12</sup> The issue of proprietary privilege was a bitter one throughout the French and Indian War (1754–1763). Hanson and other popular party leaders insisted that the proprietor

7. *Ibid.*, 55: 429.

8. *Ibid.*, 56: xlix.

9. *Ibid.*, p. 461, *passim*.

10. *Ibid.*, 58: xiv.

11. The three best books on the American Revolution in Maryland are Charles Albro Barker, *The Background of the Revolution in Maryland* (New Haven, 1940); Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore, 1973); and David Curtis Skaggs, *Roots of Maryland Democracy, 1753–1776* (Westport, Conn., 1973). The only study which provides anything approaching an adequate portrait of the revolutionary era in western Maryland is Bernard C. Steiner, *Western Maryland in the Revolution* (Baltimore, 1902).

12. Quoted in Skaggs, *Roots of Maryland Democracy*, p. 16.

and his placemen should pay from their incomes a share of the cost of the province's defense. The House of Delegates repeatedly passed supply bills providing for taxation of proprietary incomes, and the council, which was appointed by the governor and hence was dominated by the proprietary party, repeatedly quashed them. The resulting impasse helped neither the defense of Maryland nor public regard for the proprietary position.

Anger against Great Britain swelled soon after the passage of the Stamp Act in March 1765. It took the form of mass meetings, boycotts of British goods, petitions, open defiance of the law, and the formation of a Sons of Liberty chapter in Baltimore. The Assembly, which had been allowed to meet for only twelve weeks during the past four years and not at all in 1764, was in a highly contentious mood when it finally was permitted to convene on September 23, 1765. The next day the House of Delegates selected three delegates to attend the Stamp Act Congress in New York in October; it also appointed a committee of seven, including Hanson, to draft instructions for the delegates. On the next day, the 25th, the committee reported that the three delegates should go immediately to New York "there to join in a general and united, dutiful, loyal, and humble representation to his Majesty and the British Parliament . . . ; to pray relief from the burdens and restraints lately laid upon their trade and commerce, especially from the taxes imposed by the Stamp Act . . . ; and to take care that such representation . . . should contain an assertion of the right of the Colonists, to be exempt from all and every taxations and impositions upon their persons and property, to which they do not consent in a legislative way, either by themselves, or their representatives freely chosen and appointed."<sup>13</sup> The report, which expressed several of the justifications of revolution used a decade later, was approved overwhelmingly.

Hanson was also involved in the non-importation agreements signed three years later in response to the taxes imposed by the Townshend Acts. Among the forty-three who signed the Non-Importation Resolution in Annapolis on June 22, 1769, were several who were to become prominent in the revolutionary movement: Charles Carroll, Barrister, Matthew Tilghman of Talbot County, and John Hanson and William Smallwood of Charles County. The signers openly defied Great Britain when they warned that those who "oppose, or contravene the above Resolutions" would be considered "Enemies to the Liberties of America . . . ;"<sup>14</sup> and they carried out their resolves by refusing to allow ships laden with goods from England to land at Annapolis, at Tobacco Creek in Charles County, and elsewhere.

Existing records do not reveal why John Hanson decided to give up his seat in the House of Delegates from Charles County in the fall of 1769 to become deputy surveyor of Frederick County; nor do they explain why he established a permanent residence on Patrick Street in Frederick Town in 1773. Numerous plausible explanations can be developed: that low prices combined with depleted

13. Edward S. Delaplaine, *The Life of Thomas Johnson* (New York, 1927), pp. 29-31.

14. *Archives of Maryland*, 62: 462.

land made tobacco growing in Charles County less attractive; that land speculation in rapidly growing western Maryland looked promising; or perhaps that, with so many Hansons active in Charles County politics, John Hanson may have wanted a new political base.<sup>15</sup> Whatever factors were most prominent in Hanson's thinking, the move almost certainly benefited the patriot cause in Maryland in the 1770s.

From Frederick County, Hanson continued invariably to be elected to attend the conventions which governed Maryland from 1774 to 1777, and also to sit in the lower house of the Assembly under the new state government from 1778 to 1781. Clearly, Hanson earned and retained the admiration of the voters of his newly adopted county. Yet he no longer wielded the degree of influence in the governing institutions in Annapolis in the 1770s that he had in the 1760s. In fact, Hanson spent relatively little time in Annapolis during the decade of revolution. He only attended one of the six governing conventions of the mid 1770s. He was never a member of the Council of Safety, the body which governed the province of Maryland between meetings of the convention; nor did he play a significant role in shaping the state constitution. And his service in the new state legislature occurred almost entirely in the year 1779.<sup>16</sup>

One reason for Hanson's declining participation at the state level was logistical: a journey of several days, via either Georgetown or Baltimore, was required to travel from Frederick to Annapolis, whereas the trip from Charles County had been much shorter. And, as a letter from the Council of Safety in January 1777 makes clear, travel in winter from Frederick to Annapolis was problematical because of distance and weather.<sup>17</sup> An even more important reason for Hanson's absence from Annapolis appears to have been that he was needed in Frederick to supervise such pressing tasks as raising troops, making gunlocks, and guarding prisoners.

When one thinks of the molders of the Revolution at the state level—Matthew Tilghman, Samuel Chase, Thomas Johnson, William Paca, Charles Carroll of Carrollton, and a few others come immediately to mind—Hanson almost certainly does not belong on the list. But because of his difficult and often unglamorous work at the local and regional level in resolving day-to-day problems involved in carrying out the resistance to Great Britain, and also because of his dedicated work at the national level from 1780 to 1782, Hanson probably contributed as much as any other Marylander to the success of the American Revolution.

To suggest that Hanson was primarily a "local" leader during the mid 1770s is somewhat misleading, for Frederick County prior to independence extended over

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15. This last reason is emphasized in J. Bruce Kremer, *John Hanson of Mulberry Grove* (New York, 1938), p. 92. That the Hanson family was well represented in the revolutionary movement in Charles County is indicated by the fact that Samuel Hanson, Walter Hanson, and Walter Hanson Jenifer all served on the ten-member committee of correspondence established at a meeting at Port Tobacco on November 18, 1774. Samuel Hanson and Thomas Hanson Marshall were elected from Charles County to attend the provincial conventions in Annapolis (Margaret Brown Klapthor and Paul Dennis Brown, *The History of Charles County, Maryland* [La Plata, 1958], pp. 52-53).

16. Assembly, 1778-1780, work sheets, Legislative History Project, Maryland Hall of Records.

17. *Archives of Maryland*, 16: 23.

the entire western one-third of the province, from the villages of Georgetown and Westminster west nearly two hundred miles to the farthest reaches of what is now Garrett County, and from the Potomac River north to the Pennsylvania line. In contrast to southern Maryland and the Eastern Shore, whose counties had large numbers of slaves and a fairly homogeneous white population largely of English descent, Frederick County had few slaves and large settlements of industrious German and Scotch-Irish farmers. The population of this fertile area jumped from 14,000 to 30,000 in the decade before 1776, and the population of Frederick Town alone grew during the same period to about 1,700, second only to Baltimore, which was also growing rapidly.<sup>18</sup>

Although clearly the leader of this large and dynamic area, Hanson should be viewed more as a coordinator and mobilizer than as a creator of revolutionary sentiment in Frederick County, for western Marylanders had a long record of opposition to proprietary privilege, taxation by the established Anglican Church, and usurpations by the crown. In response to the Stamp Act, for example, the Frederick County Court openly defied Parliament by deciding on November 15, 1765, that public business could proceed without stamps. The Frederick Sons of Liberty then held a mock funeral complete with a coffin inscribed as follows: "the Stamp Act expired of a mortal stab received from the genius of liberty in Frederick County Court, 23rd November 1765, Aged 22 days."<sup>19</sup>

Although the Stamp Act and other developments of the 1760s led to various forms of resistance to British authority, the series of actions and reactions which culminated in 1776 in the Declaration of Independence began with the Tea Act of 1773. When the colonists responded with destruction of property in the Boston Tea Party in December, the angry British rulers decided on a policy of firmness and passed the Coercive Acts in the spring of 1774. The port of Boston was closed, Massachusetts in essence was placed under martial law, and General Thomas Gage was sent to Boston as both commander of the British army and governor of Massachusetts.

Outside of New England, Marylanders took the lead in responding to what they considered to be unacceptable threats to their liberties. On May 28, 1774, in response to a circular letter from Boston which pled for colonial unity, patriot leaders in Annapolis set up a local committee of correspondence. Within twenty-four hours the committee had written letters to county leaders throughout Maryland and to the Virginia House of Burgesses. The letters urged an immediate halt to trade with Great Britain and the West Indies, and suggested that an association be formed to enforce the ban on imports and exports until the Coercive Acts were repealed. In response to the appeal from Annapolis, a public meeting was held in Baltimore on May 31, and meetings were held in five other counties in June and early July.<sup>20</sup>

18. Skaggs, *Roots of Maryland Democracy*, pp. 35-36. Baltimore's population grew from 200 in 1750, to 1200 in 1760, to 3600 in 1770, to 5700 in 1780.

19. J. Thomas Scharf, *History of Western Maryland*, 2 vols. (Philadelphia, 1882), 1: 12.

20. For analysis of Maryland's leadership in the spring of 1774, see David Ammerman, "Annapolis and the First Continental Congress: A Note on the Committee System in Revolutionary America," *Maryland Historical Magazine*, 66 (1971): 169-80.

The three public meetings which occurred in Frederick County to organize opposition to Britain were significant in several respects. In the first place, they were held in what became in 1776 the three political subdivisions of western Maryland. The first meeting was held on June 11 at Charles Hungerford's tavern in what was to become Montgomery County; the second, on June 20, at the courthouse in Frederick Town, in the part of the county which would continue to be named Frederick; and the third at Elizabeth Town (Hagerstown) on July 2 in what was to become Washington County. Secondly, reflecting the strong anti-British sentiment in western Maryland, each of the meetings took a strong stand for "stopping all commercial intercourse with Great Britain" in order to "obtain a repeal of the late act of Parliament for blocking up the port of Boston." In addition, the meeting at Frederick demanded that "every other act oppressive to American liberty, be repealed" for the purpose of "preserving to America her rights, liberties, and privileges." Third, by setting up committees of correspondence, each of the meetings established the first of a series of ongoing institutions which would assume many of the normal functions of government and build up a military force to confront the British. And finally, the meetings recognized many of the leaders of the revolutionary movement in western Maryland. Although a relatively new resident of Frederick, John Hanson was chosen to preside at the June 20 meeting, to attend a convention in Annapolis to select delegates to the First Continental Congress, and to serve on the Frederick committee of correspondence. Among the other leaders chosen for western Maryland were Henry Griffith, Baker Johnson, and Jonathan Hager.<sup>21</sup>

The three years between 1774 and 1777 were in some ways the most democratic period in American history. Hundreds of citizens held elected office in Frederick County alone, and hundreds more were appointed to positions of leadership in various parts of the county. During the public meetings at which local leaders were chosen, delegates were elected from throughout the province of Maryland to conventions held in Annapolis. These conventions, likewise, elected delegates to represent Maryland in the Continental Congress in Philadelphia. Resolutions passed in Philadelphia were sent to Annapolis and the twelve other provincial capitals, whence they were acted upon and, if approved, sent to Frederick and other county seats. But the most fundamental forms of power flowed upward: county leaders were helpless without the active support of large segments of the populace, state leaders depended upon the counties, and continental leaders could always entreat—but never coerce—the states. The level of coordination that was achieved in the early years of the Revolution can be credited to Hanson and hundreds of other conscientious leaders throughout the colonies.

Following the meeting of the provincial convention in Annapolis in late June 1774 and the Continental Congress in Philadelphia that September, a public meeting for all of Frederick County was held at the courthouse in Frederick on November 18. More than one hundred prominent citizens, including Hanson, were chosen "to carry into execution the association agreed on by the American

21. Scharf, *History of Western Maryland*, 1: 126.

Continental Congress." The "association" was composed of all persons willing to sign a pledge to defend American liberties during the current confrontation with Britain; it served to mobilize those with "patriot" sympathies and identify those who refused to sign as potential Tories. Hanson also was re-elected to the twenty-eight member committee of correspondence, and he remained chairman of the Frederick committee of observation, the effective governing body for the area.<sup>22</sup>

Another important public meeting was held at the courthouse in Frederick two months later, on January 24, 1775, with Hanson again as chairman. Its purpose was to put into effect the resolutions of the recently adjourned provincial convention, which included the raising of \$1,333 to purchase arms and ammunition and the formation of militia companies. Those chosen as "Tax collectors" in various parts of the county included Jonathan Hager and William Winchester, the founders of Hagerstown and Westminster, and Thomas Johnson, who became Maryland's first governor in 1777. Hanson was chosen as a delegate to the next provincial convention.<sup>23</sup>

In addition to presiding at important meetings which advanced the revolutionary cause, Hanson in 1775 was involved in so many other public services that this may well be viewed as the most significant year in his career. It was also a pivotal year in the American Revolution; for, if 1774 involved taking a stand and 1776 involved formally declaring independence, so 1775 witnessed the resort to arms in both New England and the South. The British hoped to quash the revolt before it gained momentum, but the colonists fought back. Patriot apathy or disunity in 1775 might well have ended the revolutionary movement before it had really begun.

The Frederick committee of observation moved quickly to show unity with Bostonians impoverished by the British blockade. The following letter was sent from Frederick to Boston on February 17, 1775:

To the Hon. Thomas Cushing, Esq.:

Sir,—

We, the Committee for the middle part of Frederick County, Maryland, have this day forwarded £1200 to Messrs. William Lux and Samuel Purviance, of Baltimore, who are directed to forward the same to you for the relief of the poor of your place, either specie or bills, as may appear to them most advisable. A line from you acknowledging the receipt of the money will oblige the Committee, as it will serve to convince the people from whom it was collected that it has been applied to its proper use.

Signed for order and in behalf of the Committee,

JOHN HANSON, President.<sup>24</sup>

Considering that currency was in short supply and wartime inflation was still in the future, the Frederick contribution to blockaded Boston was a substantial one. It was acknowledged as such in a letter to Hanson in mid March from the

22. *Ibid.*, p. 128.

23. *Ibid.*, p. 129.

24. *Ibid.*, p. 127.



firebrand patriot Sam Adams, chairman of the Boston committee. Adams also assured the Marylanders that the people of Boston "continue to bear oppression and count it a joy to do so, rather than to stain their reputation by a base compliance with the demands of arbitrary power."<sup>25</sup>

In addition to sending money, Hanson and his associates in western Maryland were preparing in the spring of 1775 to supply Boston with something more desperately needed: men and arms. When Hanson received a letter from Maryland's delegates in Congress in mid June calling for two companies of expert riflemen to join the newly organized Continental Army in the defense of Boston, Hanson immediately called a meeting of the Frederick committee of observation. The meeting, held at the courthouse in Frederick on June 21, selected the officers for the two companies, specified the monthly salaries for the several ranks, and drew up the contract which enlistees were to sign.

The troops were quickly raised, and the famed frontier fighter Michael Cresap and his company of more than 130 men and the other company under Thomas Price set off on the 550-mile march to Massachusetts in late July. Cresap's company, which left Frederick on July 18, arrived at General Washington's camp in Cambridge on August 9, and four days later they moved to the south of Boston and began sniping at Redcoats with their fearfully accurate rifles. The Western Maryland companies were the first southern troops to join Washington's Continental Army. They were tangible evidence of the efficiency of organization and the strength of anti-British sentiment in Frederick County.

While the Western Maryland companies were marching to Boston, Hanson traveled to Annapolis as a delegate from Frederick County to the fifth and most significant provincial convention, which met from July 26 to August 14, 1775. The seventy-nine delegates from all of Maryland's counties included two Hansons, two Carrolls, two Contees, two Johnsons, two Wrights, two Lloyds, two Chases, and four Tilghmans. These and other men of wealth and standing, such as William Smallwood and Daniel of St. Thomas Jenifer, were undoubted leaders of the revolutionary movement in Maryland.

On the very first day the delegates to the convention signed the famous "Association of the Freemen of Maryland," which asserted that "it is necessary and justifiable to repel force by force. . . ." The delegates agreed to "unite and associate, as one band, and firmly and solemnly engage and pledge ourselves to each other, and to America, that we will to the utmost of our power, promote and support the present opposition. . . ."<sup>26</sup>

The association was to be put into effect by newly elected committees of observation in each county, which were to seek to obtain the signatures of all freemen in their districts as associators. Non-associators would be subject to penalties and to the suspicion that they were Tories. The convention also officially divided Frederick County into upper, middle, and lower districts for administrative purposes, a move pointing toward the creation of three counties in the area a year later.

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25. *Ibid.*

26. *Archives of Maryland*, 11: 66.

Hanson, the best known and most experienced of the eight Western Maryland delegates, served on a committee selected by the convention on July 29 to "enquire into the practicability of establishing a Manufactory of Arms in this Province." After several days of deliberation, the committee reported on August 2 that it would be cheaper and faster to purchase weapons from gunsmiths already in business in the province.<sup>27</sup>

After returning from Annapolis, Hanson was elected on September 12 to a newly constituted, eighteen-member committee of observation for the middle district of Frederick County; as before, he was made chairman.<sup>28</sup> The committee, which met as needed but usually several times per month, was the government of the area from the fall of 1775 until the state constitution went into effect in the spring of 1777. In addition to being chairman of this governing body, Hanson served simultaneously as treasurer of Frederick County and on such province-oriented groups as a committee to establish a gunlock factory in Frederick and another committee to encourage re-enlistments in the Continental Army.

Fortunately, the proceedings of Hanson's committee of observation have been preserved, and they provide fascinating insights into the unfolding of the Revolution at the local level. The resolves of the recent provincial convention, notably those relating to the formation of militia companies, were scrupulously carried out. The committee, faced with the difficulty of maintaining public order during a time of political upheaval, resolved in October 1775 that conformity to long-established colonial law was "not inconsistent with our present plan of opposition to ministerial despotism."<sup>29</sup> Money, too, was a serious problem; the provincial Council of Safety and the Congress were as slow to send required funds as were the associators and non-associators tardy in paying their tax assessments. Hanson frequently advanced funds from his own pocket to pay jailors, soldiers, and others who threatened to quit if they were not paid on time.

Sometimes, however, the committee proceedings were slightly less serious. At the October 17, 1775, meeting John Larkin accused Peter Hoffman of overcharging for salt, and both Larkin and Hoffman were ordered to attend the following meeting. The minutes of the October 31 meeting on this matter read as follows: "John Larkin having appeared against Mr. Hoffman for selling salt at 7/6 a bushel, and Mr. Hoffman assuring the Committee that it was a Mistake committed by his Wife in his absence and that his price at that time was 6/ p Bushel, is ordered to refund 1/6 to the said Larkin."<sup>30</sup>

More significant were the decisions the committee made regarding loyalty to the American cause. In the later French and Russian revolutions, insistence upon absolute loyalty resulted in the destruction of civil liberties and the institution of tyranny. But in Frederick County and elsewhere in Maryland, the committees of observation were relatively restrained. People were not permitted to ridicule

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27. *Ibid.*, pp. 64-65.

28. *Maryland Historical Magazine*, 10 (1915): pp. 302-3.

29. *Ibid.*, p. 309.

30. *Ibid.*, pp. 309-10.

the patriot cause,<sup>31</sup> but there was considerable forbearance in dealing with non-associators and with those who refused to serve in the militia. When they were punished, non-associators customarily were required only to pay fines or post bond for good behavior in the future, but some outspoken Loyalists were put in the "Tory Gaol" in Frederick or even banished. For example, because of his alleged efforts to create dissension among patriot officers, James Smith, a non-associator, was ordered on September 2, 1776, to "immediately leave the town. . . ."<sup>32</sup>

Concern about dissension within Frederick County was overshadowed in the summer and fall of 1775 by concern about possible British plots in the entire western region. In July Hanson wrote a prophetic letter to Peyton Randolph, president of the Continental Congress: "There is much reason to believe that an expedition will be set on foot by the British and Indians in Canada against the western frontiers of this state, Virginia, and Pennsylvania. Agents and allies of the King and Parliament, of Gen. Gage and Lord Dunmore, it is believed in this place, are now operating with the Delaware and Shawnese Indians in Ohio and bands in Kentucky and Canada, with a view to destroy our frontier towns and desolate our homes and firesides. We are determined to keep a vigilant eye on all such agents and emissaries. . . ."<sup>33</sup>

As it turned out, Lord Dunmore, the royal governor of Virginia, had even bigger plans: he hoped to develop an army of Canadians, westerners, and Indians which would march down the Potomac valley and sever communications between the northern and southern colonies. To organize his army in the West, he recruited several Loyalist agents who headed west in the fall of 1775 to execute the scheme. Unfortunately for the British cause, the agents were captured near Hagerstown on November 20 and brought before Hanson's committee of observation in Frederick the following day. When details of the plot were found among their belongings, the agents were jailed and later removed to Philadelphia. Hanson exchanged letters with John Hancock, the new president of Congress, concerning the fate of the prisoners, whose capture generated great excitement in Maryland, Virginia, and Pennsylvania.<sup>34</sup>

As the colonies moved toward declaring independence, many of Maryland's leaders, and such parts of the province as the Eastern Shore, were highly reluctant to take this final step.<sup>35</sup> But Western Marylanders, who had less need to fear divisive social and economic conflict, had been strongly anti-British for several years, and in early 1776 most clearly were ready to declare independence.

The issue crystallized when, on June 7, Richard Henry Lee of Virginia

31. See, for example, the case of George and Peter Swinehearts, who were made to apologize for criticizing those who were forming into militia companies (*ibid.*, pp. 305-7). For a province-wide perspective, see Richard A. Overfield, "A Patriot Dilemma: The Treatment of Passive Loyalists and Neutrals in Revolutionary Maryland," *Maryland Historical Magazine*, 68 (1973): 140-59.

32. *Maryland Historical Magazine*, 12 (1917): 17.

33. Quoted in Steiner, *Western Maryland in the Revolution*, pp. 37-38.

34. The most complete account of the Dunmore plot is in *ibid.*, pp. 37-44.

35. The best discussion of the situation in Maryland in 1776 is in Hoffman, *A Spirit of Dissension*, pp. 152-68.

presented to Congress his famous resolution declaring "that the United Colonies are and ought to be free and independent States; that they are absolved from all allegiance to the British crown; and that all political connection between them and the State of Great Britain is and ought to be totally dissolved." Four days later the Maryland representatives in the Continental Congress wrote to the Council of Safety for instructions, and urged that the county committees of observation hold mass meetings to determine public sentiment on the question of independence.<sup>36</sup>

Again Hanson as chairman led the meeting on June 17, 1776, which admonished Maryland's provincial leaders in Annapolis to change their instructions to the delegates to Congress and authorize independence. The freemen of Frederick unanimously resolved "That what may be recommended by a majority of the Congress, equally delegated by the people of the United Colonies, *we will*, at the hazard of our lives and fortunes, support and maintain; and that every resolution of the Convention tending to separate this Province from a majority of the colonies, without the consent of the people, is destructive to our internal safety and big with public ruin."<sup>37</sup>

Samuel Chase, who was lobbying for independence among the county delegates in Annapolis, clearly was pleased with Frederick's firm stand. He wrote John Adams on June 21 "that a general dissatisfaction prevails here with our convention. Read the papers and be assured Frederick speaks the sense of many counties."<sup>38</sup> Just what effect Frederick's demands had on the provincial convention is unclear, but it is indicative of the strength of revolutionary sentiment in Frederick and elsewhere in Western Maryland that all of the delegates from counties west of the Chesapeake favored independence by June 24, whereas only seven of the twenty-seven delegates from the Eastern Shore supported this fateful step.<sup>39</sup> The unanimity of delegates from the Western Shore spurred the convention to decide for independence on June 28, 1776; and, as everyone knows, the Continental Congress proclaimed America's independence less than a week thereafter.

It was far easier for leaders at all levels to issue public pronouncements than it was to raise the money and develop the commitment to carry them out. Hanson's correspondence and other records of the mid 1770s are full of the hundreds of "little things" he did to advance the revolutionary cause. Like Thomas Johnson, who failed to sign the Declaration of Independence at least partially because he was busy in Frederick County directing military preparations,<sup>40</sup> so Hanson remained in Frederick making gunlocks, storing powder, guarding prisoners, raising money and troops, dealing with Tories, and doing the myriad other tasks which went with being chairman of the committee of observation. Almost certainly, for example, he could have been elected to Maryland's Constitutional Convention in the late summer and fall of 1776; yet he

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36. Scharf, *History of Western Maryland*, 1:139.

37. Quoted in *ibid.*

38. Quoted in Hoffman, *A Spirit of Dissension*, p. 166.

39. Skaggs, *Roots of Maryland Democracy*, p. 179.

40. Delaplaine, *Life of Thomas Johnson*, p. 148.

remained in Frederick<sup>41</sup> until late fall, when he served briefly as one of Maryland's agents at the Continental Congress in Philadelphia. Before returning to Frederick in December, Hanson personally witnessed the disheartening retreat of Washington's army across New Jersey, a retreat followed by the equally encouraging victory at Trenton on Christmas night.<sup>42</sup>

Hanson's extensive correspondence with officials in Annapolis in 1776 and 1777 reveals many of the frustrations involved in ensuring the success of the Revolution. Many of these letters dealt with money, which was always in short supply. Typical was a letter from Hanson to the Council of Safety on August 5, 1776: "The money sent to purchase arms and co. is nearly expended. Many receipts for guns and blankets are yet to come in. The two German Companies and the Rifle Company are I believe altogether unprovided. It will be therefore necessary to send us more cash and the present will be a good opportunity."<sup>43</sup>

Hanson made an even more urgent appeal for funds in a letter to the council on August 10: "The money which has been sent up to defray the Expenses of the Prisoners here, is expended, and I was this day obliged to advance nine pounds old money to pay the guard for this week's hire. The victuals account is due for the last fortnight, and he will expect to be paid whenever he brings it in. My guard too must be paid at the end of every week or we shall not be able to keep it up. You will therefore be pleased to send by the first opportunity a sum which you may think sufficient for the purpose. And in my judgment of the matter at present, the expense of maintaining the prisoners and keeping up a sufficient guard won't cost less than 90£ a month."<sup>44</sup> The council finally sent £250 for prison expenses on August 28, but the problem of obtaining sufficient funds to operate the prisons persisted at least until May 12, 1777, when the new state council sent money "to pay up the Arrears, and the future Subsistence of the Prisoners in Frederick Town."<sup>45</sup>

Between 1775 and 1777 Hanson expended thousands of pounds in provincial currency as payment for services for the patriot cause. Frequently he went for weeks or even months without adequate funds. After the establishment of the new state government in the spring of 1777, however, payment became much more regular. An auditor general and a treasurer for the Western Shore helped to institutionalize the Revolution. Although Hanson remained very active in Frederick affairs until 1779, he could now begin to think of returning to public service at the state and national levels.

In early November 1778 Hanson returned to Annapolis to serve in the new state government. Although the records of his service in the Assembly in 1778 and 1779

41. Between 1774 and 1782, the Frederick voters elected Hanson to every office he sought. In fact, they continued to elect him to the Assembly in Annapolis while he was serving in Congress in Philadelphia in the early 1780s. Finally, the delegates elected to represent the middle district of Frederick County—Upton Sheredine, Christopher Edelin, David Shriver, and Adam Fisher—were much less prominent than Hanson (T. J. C. Williams, *History of Frederick County, Maryland* [Baltimore, 1910], p. 95).

42. *Archives of Maryland*, 12: 503.

43. *Ibid.*, p. 173.

44. John Hanson to Daniel of St. Thomas Jenifer, Etting Collection, Historical Society of Pennsylvania.

45. *Archives of Maryland*, 16: 245.

are somewhat sketchy, Hanson clearly was not as prominent as he had been in the provincial legislature a decade before. By now he was nearly sixty years old, and it seems reasonable to surmise that Hanson was viewed by the generally much younger revolutionary leadership as a respected "elder statesman" whose political career was largely behind him. Hanson's voting record in the Assembly also suggests that he served as a calming, unifying force in state affairs as he had earlier in Frederick.

Two votes from March 1779 illustrate this influence. On March 17 the following resolution was brought up for a vote: "Samuel Chase in public asserted that there were Tories in the House of Delegates and if called upon he would prove it. Resolve that house call upon Mr. Chase to answer." Hanson voted with the majority to defeat this divisive bill, which could only embarrass Chase and accomplish nothing positive.<sup>46</sup> On March 21 Hanson helped to pass a bill which protected Anglican ministers who had taken the oath of fidelity to the new state government.<sup>47</sup> As this and similar votes showed,<sup>48</sup> Hanson did not wish to punish those who had been slow to pledge allegiance to Maryland's revolutionary government.

Some of the issues facing the Assembly in the late 1770s were economic ones which parallel the problems of the 1970s. Inflation and lack of faith in the currency of the new government, which had complicated Hanson's efforts to finance the revolution in Western Maryland, continued to plague the legislature in which he served in 1778 and 1779 and the Continental Congress in which he served from 1780 to 1782. Because farmers had so little faith in the state's currency that they often refused to sell grain to feed the army, the legislature on March 12, 1779, passed a bill which gave the governor and council the authority "to take wheat, flour, and bread from individuals, as long as they have enough for self and family, for subsistence of the army."<sup>49</sup> Hanson voted for this bill, and he and the other legislators also recognized the reality of galloping inflation when they set the governor's salary at £2500 in December 1778 and then, due to loss of purchasing power, "raised" it to £25,000 in December 1779.<sup>50</sup> Hanson and his fellow legislators overwhelmingly defeated a bill to establish wage and price controls on August 9, 1779, but they reversed their stand and imposed controls four months later.<sup>51</sup>

On December 22, 1779, the legislature selected Hanson and five others to represent the state of Maryland in Congress in Philadelphia. Today it is considered a high honor to be elected to Congress, but then it was not: the pay was low, Philadelphia was far away from one's financial and personal interests, the delegates were little more than servants of the state legislature, and Maryland was unpopular with other states because she was the one roadblock to final ratification of the Articles of Confederation. Most of the other five never

46. Assembly, 1778-1780, work sheets, Legislative History Project, Maryland Hall of Records.

47. *Ibid.*

48. See, for example, the vote of March 19, 1779, in regard to a Reverend Booth who was now willing to take the oath so that he could resume his ministry (*ibid.*).

49. *Ibid.*

50. *Ibid.*, December 8, 1778, and December 23, 1779.

51. *Ibid.*, August 9 and December 6, 1779.

even bothered to go to Philadelphia, so that a new delegate, John Henry, had to be elected. Hanson was willing to serve, and he was in Philadelphia almost continuously from June 1780 until his term as President of Congress ended in November 1782.

Hanson came to Philadelphia with the reputation of having been the leading financier of the revolution in western Maryland, and soon he was a member of several committees dealing with finance. In August 1780 he was elected to a committee to establish salaries for officials of the Court of Appeals; in October he was named to a committee of three to facilitate the purchase of supplies for the French army then in America to aid the patriot cause; in November he was named to a committee to oversee the purchase of five thousand uniforms from France, and he also became a member of the Board of Admiralty. On February 26, 1781, Hanson was one of three persons added to the Committee on Bills of Exchange; on March 16 he was appointed Maryland's representative on the committee which dealt with the sensitive subject of monetary quotas to be levied on each state; and on March 24 Hanson was placed on a committee which had the thankless task of explaining to the French Minister why the United States had defaulted on its debt to France. Hanson served on the Committee on Public Credit even after his election as President of Congress in November 1781.<sup>52</sup>

Although there is ample material documenting Hanson's involvement in financial matters, there is no specific primary evidence of Hanson's stand on the issue of Maryland's refusal to ratify the Articles of Confederation until other states gave up their claims to lands west of the Appalachians—despite some biographer-advocates' claims to the contrary.<sup>53</sup> The only certainty is that Hanson did not resign his seat in Congress when the Maryland legislature decided in late January 1781 to ratify the Articles of Confederation. On the contrary, Hanson journeyed back to Philadelphia soon thereafter, and Hanson and Daniel Carroll ratified the Articles at noon on March 1, 1781. With their action, the United States of America officially came into being.

Although this date has since been largely forgotten, the celebration which followed the signing was big news at the time. "This happy event was immediately announced to the public by the discharge of the artillery on land, and the cannon of the shipping in the river Delaware . . .," the *Maryland Gazette* reported. "The Ariel frigate, commanded by the gallant John Paul Jones, fired a feu de joye, and was beautifully decorated with a variety of streamers in the day, and ornamented with a brilliant appearance of light in the night." After describing many other events of the day, including a reception for the French minister in the afternoon and fireworks at night, the *Gazette* concluded: "Thus will the *first of March*, 1781, be a day memorable in the annals of America, for the final ratification of the Confederation and perpetual Union of

52. *Journals of the Continental Congress*, 17: 678, 971, 1000, 1027; 18: 197, 268, 311.

53. To my knowledge, all biographies of Hanson have been written a) by writers who were not professional historians, and b) to describe the life and times of the "first President of the United States." Among those which stress Hanson's alleged role in the western lands controversy are Kremer, *John Hanson of Mulberry Grove*; Jacob A. Nelson, *John Hanson and the Inseparable Union* (Boston, 1939); Seymour Wemyss Smith, *John Hanson, Our First President* (New York, 1932); and Douglas H. Thomas, *John Hanson* (Baltimore, 1898).



the Thirteen States of America—a union, begun by necessity, cemented by oppression, and now finally consolidated into a confederacy of these new and rising states. . . .”<sup>54</sup>

Just as Hanson’s full views on the western land question are unknown, so are the precise reasons for his election as “President of the United States in Congress Assembled” on November 5, 1781. His election probably resulted from several factors: a desire to express appreciation to Maryland for finally agreeing to ratify the Articles; recognition of Hanson’s conscientious service in Congress; and Hanson’s apparent concern for the nation as a whole, as opposed to Daniel Carroll’s continuing espousal of Maryland’s interests in regard to the western lands.<sup>55</sup>

The office to which Hanson was elected was very different from the presidency under the Constitution which has been in effect since 1789. Hanson presided over Congress, he signed official documents, and he corresponded in the name of Congress with state and foreign dignitaries. Unlike modern presidents, he had no authority apart from the will of Congress. Hanson kept busy during the year in which he occupied what George Washington called “the most important seat in the United States.”<sup>56</sup> And despite serious illness in the spring of 1782 which forced his absence for several weeks, Hanson almost certainly deserved the praise he received from his colleagues at the end of his term for “his conduct in the chair, and in the execution of public business.”<sup>57</sup>

Because Congress had limited power under the Articles, Hanson frequently wrote the state governors urging them to carry out within their borders the resolutions passed by Congress. On November 31, 1781, for example, Hanson sent Governor Lee of Maryland a recent act of Congress dealing with infractions of the laws of nations, and added: “Such is the importance of the objects recommended in that Act . . . that I feel satisfied they will engage the immediate attention of your Excellency and the Legislature of your State.” Another letter to Lee on December 2 provided information about weapons shipments from France to Maryland and Virginia, and a third on December 12 entreated Maryland to raise its quota of troops and warned that “a relaxation in our Exertions will not only be disgraceful but may prove dangerous and even fatal to our liberties.”<sup>58</sup> Other known recipients of letters from Hanson at this time included such diverse figures as the governor of Pennsylvania, King Louis XVI of France, and Richard Peters, Jr., an officer in the Continental Army.<sup>59</sup>

Two state functions must have lingered in Hanson’s memory as long as any of his recollections of service in Congress. On November 28, 1781, a month after the

54. *Maryland Gazette*, March 22, 1781.

55. Herbert B. Adams, *Maryland’s Influence upon Land Cessions to the United States* (Baltimore, 1885), p. 39.

56. Letter from George Washington to Hanson, November 30, 1781, quoted in Kremer, *John Hanson of Mulberry Grove*, p. 157.

57. Quoted in *Ibid.*, p. 170.

58. *Archives of Maryland*, 47: 559, 562, 572.

59. Hanson to Governor of Pennsylvania, January 11, 1782, Conarroe Collection, Historical Society of Pennsylvania; Congress to Louis XVI, June 13, 1782, Simon Gratz Autograph Collection, Historical Society of Pennsylvania; John Hanson to Richard Peters, Jr., Richard Peters, Jr. Papers, Historical Society of Pennsylvania.



British surrender, George Washington came to Philadelphia to deliver Cornwallis's sword to the Congress. During the formal "audience of ceremony" Hanson spoke to greet Washington and to congratulate him on the success of Allied arms in Virginia. During an even more formal ceremony on May 13, 1782, in honor of the French Minister, Chevalier de la Luzerne, Hanson kept his hat on until the minister bowed, then removed it and returned the bow. The ceremony was followed by a state dinner that evening.<sup>60</sup> In early November 1782, after having served the first complete one-year term as President of Congress as prescribed by the Articles of Confederation, Hanson retired from politics and returned to Maryland.

Although the approximately eighty existing letters from Hanson in Philadelphia to officials and friends in Maryland contain virtually nothing about his duties in Congress or about his dealing with other delegates, they do suggest the extent of his knowledge of contemporary developments and the nature of his relationships with relatives and friends in Maryland. Approximately fifty of these letters were sent to Dr. Philip Thomas of Frederick, Hanson's son-in-law. Another fifteen went to Governor Thomas Sim Lee, and five went to Charles Carroll of Carrollton. These letters provide a more intimate portrait for the years 1780-83 than is available for any other period of Hanson's life.

Most of the space in almost all of these letters was devoted to political and military developments on the national and international scene. Hanson detailed news items and inside information which often were unavailable in Maryland. A typical example is contained in a letter to Carroll on July 25, 1780: "We have official assurances of the arrival of the French fleet at Rhode Island on the 10th Instant [July 10], eight ships of the line and several frigates with 5000 land forces."<sup>61</sup>

The letters convey the great uncertainty of the time. No one knew, for instance, that the battle of Yorktown would be the last major battle of the war on American soil; but Hanson estimated correctly that the British surrender at Yorktown in October 1781 "is a most capital stroke and will tend more towards obtaining peace and to the security of our independence than the best managed negotiations."<sup>62</sup> Even after peace negotiations began the next year, Hanson remained skeptical of British intentions. "The British may be sincere in what is given out but I can't help suspecting that it is calculated to deceive . . .," Hanson wrote to Thomas on August 10, 1782; "a little time will discover their real intentions."<sup>63</sup>

Hanson also despaired of the motives of Maryland's lawmakers. In a letter to Carroll in November 1780, he expressed concern about the money bills being passed by the House of Delegates in Annapolis:

60. Harold Donaldson Eberlein and Cortland Van Dyke Hubbard, *Diary of Independence Hall* (Philadelphia, 1948), pp. 287-89.

61. Hanson to Carroll, July 25, 1780, Charles Carroll of Carrollton Papers, Maryland Historical Society (hereafter MHS).

62. Hanson to Thomas, October 23, 1781, John Hanson Papers, MHS.

63. Hanson to Thomas, August 10, 1782, *ibid.*

I am much afraid that the want of unanimity in that House will much embarrass their proceedings, but hope that the sordid interest and private views of individuals will not be suffered to prevail so far as to defeat measures calculated for the public good. It ought to be considered that our all is at stake, and that every exertion is necessary for our safety.<sup>64</sup>

The absence of taxing power and the lack of a common currency were major reasons for the replacement of the Articles of Confederation in the late 1780s; both are reflected in Hanson's letters. "I am willing to believe that all our embarrassments proceed rather from the disjointed and deranged State of our finances, than the want of inclination or ability in the United States to carry on the War," Hanson wrote Thomas on September 19, 1780. "Still, I can't help thinking that a want of proper Exertions in Our present situation is truly alarming—the Army in want of everything, no money in the Treasury, and our credit exhausted. God grant us a speedy, safe, and honorable peace."<sup>65</sup>

Hanson's personal finances suffered greatly both because Maryland currency was worthless in Philadelphia and because the Maryland government was slow to pay him. "I shall in a little time be in great want of money," Hanson wrote Thomas on March 10, 1782. "If you can get me 100 pounds, it will make me easy. I should be under no difficulties if the State would remit me but half of what is due me."<sup>66</sup>

Although Hanson worked diligently in Congress, his letters reveal that he frequently had a strong desire to return home to be with his family. On April 10, 1781, two months before his only surviving daughter Jane Hanson Thomas died, Hanson wrote this revealing letter to Thomas:

Janey's state of health and the distressed and perplexed situation Mrs. Hanson is in left alone a prey to melancholy and despair destroys my peace of mind and renders me truly miserable. Should have left this place last week but since the ratification of the Confederation 9 states are required to make a Congress, 4 are unrepresented and my withdrawal would leave a number insufficient to transact business.<sup>67</sup>

Likewise, only a strong sense of duty kept Hanson in Philadelphia to serve out a full term as President of Congress. Shortly after taking the office on November 5, 1781, Hanson seriously considered resigning. His wife apparently was entreating him to return home, his health was poor, and he had "distaste" for the ceremonial aspects of the office. Yet he finally wrote Mrs. Hanson on November 16 that he felt compelled to stay on because Congress would not have a quorum to select a successor if he departed.<sup>68</sup> The following summer he wrote Thomas that he was looking forward to his return to Frederick, "which I hope in God will be the middle of November at furthest."<sup>69</sup>

64. Hanson to Carroll, November 15, 1780, Charles Carroll of Carrollton Papers.

65. Hanson to Thomas, September 19, 1780, John Hanson Papers.

66. Hanson to Thomas, March 10, 1782, *ibid.* For evidence "that the Maryland State money does not pass here [Philadelphia]," see John Hanson and Daniel Carroll to Governor Lee and the Council, March 13, 1781, *Archives of Maryland*, 47: 122.

67. Hanson to Thomas, April 10, 1781, John Hanson Papers.

68. Hanson to Thomas, November 13, 1781; Hanson to Mrs. Hanson, November 16, 1781; *ibid.*

69. Hanson to Thomas, August 10, 1782, *ibid.*

In addition to his deep concern for his family, Hanson retained a strong interest in his personal finances during his years in Philadelphia. When Thomas wrote him about the sale of British property in Frederick, Hanson was tempted, but he declined because "the payments might perhaps have embarrassed me. . . ." <sup>70</sup> But Hanson did act to improve his deteriorating financial position. After the defeat at Yorktown, for example, he surmised that many of the British prisoners would be quartered in Frederick. Because their arrival would "increase the demand for provisions" and hence raise prices, Hanson instructed Thomas not to "have any more of my grain sold till they arrive." <sup>71</sup>

Hanson's possessions included several slaves, one of whom, Ned Barnes, caused Hanson considerable anguish in the winter and spring of 1782. Barnes's wife lived on a distant plantation, and he apparently stole a horse to try to escape to her, was recaptured, and then ran off again. "It is a little unlucky that Ned went off again before you received my letter," Hanson wrote Thomas in early March. "Perhaps if he had known that I had consented to sell him it might have prevented it. . . ." <sup>72</sup> When Barnes was found in April on one of the Hanson family's plantations in Charles County, Hanson directed Thomas to "sell him for the most you can get." <sup>73</sup>

Hanson seemed to have more sympathy for Tories than he did for slaves, whose plight he only dimly recognized. Many colonists were Tories because they calculated that the British would win. Not only were their calculations wrong, but the British never fully appreciated their support. "Poor devils, how they have been deluded and deserted upon all occasions," Hanson wrote of Tories after Cornwallis's capitulation at Yorktown. <sup>74</sup> "They are very restless in their present critical situation," Hanson wrote of New York's Loyalists in August 1782. "They must it seems either enlist in the King's service or shift for themselves. Sad alternative." <sup>75</sup>

When Hanson returned to Frederick in November 1782 shortly after the end of his term as President of Congress, he did not have long to live. The time must have passed rapidly as Dr. Thomas and Mrs. Hanson sought to help him regain his health, and as he tended to business concerns and traveled slowly around the state visiting friends. "I believe we shall leave Annapolis about the last of next week . . .," Hanson wrote Thomas on June 18, 1783. "We shall first go to Patuxent and then visit some friends in Charles, if I find my health and strength will permit. I thank God I am not worse than when you left us, and hope I shall be able in eight or ten days to manage my horses . . . without too much fatigue." <sup>76</sup> Hanson's health continued to decline, and he died while visiting relatives at Oxen Hill in Prince George's County on November 15, 1783.

The eminent historian Richard B. Morris wrote recently that the most distinguished leaders of the American Revolution were characterized by "charis-

70. Hanson to Thomas, October 23, 1781, *ibid.*

71. Hanson to Thomas, October 27, 1781, *ibid.*

72. Hanson to Thomas, March 5, 1782, *ibid.*

73. Hanson to Thomas, April 27, 1782, *ibid.*

74. Hanson to Thomas, October 27, 1781, *ibid.*

75. Hanson to Thomas, August 21, 1782, *ibid.*

76. Hanson to Thomas, June 18, 1783, *ibid.*

matic leadership, staying power, and constructive statesmanship." They were "principled men who were convinced of the rightness and necessity of their course"; they also "possessed that sense of dedication to the public service which characterized the majority of the Revolutionary leadership."<sup>77</sup>

Although Hanson and other local and regional leaders during the Revolution are not considered among the most distinguished leaders of that period,<sup>78</sup> their importance must not be overlooked. The Revolution had to succeed in the smaller states, and soldiers and munitions had to be provided by them to the Continental Army, if independence was to be achieved. Moreover, Hanson showed many of the characteristics of distinguished leadership described by Morris.

Certainly staying power and dedication to the public service<sup>79</sup> characterized Hanson's leadership in the three levels of government in which he served. In Annapolis as a delegate from Charles County from the late 1750s through the 1760s, a time when many young Marylanders from prominent families were seeking and receiving ever more lucrative "offices of profit" from the proprietor, Hanson opposed excessive proprietary privilege and became a leader of the "country party." He also began his principled opposition to British rule by working openly against the Stamp Act in 1765 and by supporting non-importation in 1769.

In Frederick in the mid 1770s, Hanson played an invaluable role in ensuring the orderly development and ultimate success of the Revolution in Western Maryland. No other person in Frederick at that time had Hanson's experience in government and public finance, and the voters in Frederick chose well when they made him county treasurer and chairman of several governing committees. Using his friendship with leaders in Annapolis to aid in overcoming unavoidable problems of communication and finance, Hanson did more than anyone else to secure the Revolution in Western Maryland and to contribute men and munitions to the common cause.

As a delegate from Maryland to the Continental Congress in Philadelphia in the early 1780s, Hanson demonstrated most clearly the depth of his dedication to the public service. He believed he was needed in Frederick, where his only surviving daughter died in 1781; he knew of his own poor health, and of the precariousness of his finances in Philadelphia. Yet he stayed twice when his leaving might well have paralyzed Congress. Often, because of the absence of the other delegates from Maryland, his vote was Maryland's vote; his staying gave the state a voice in national affairs. And his elevation to the presidency of

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77. Richard B. Morris, *Seven Who Shaped Our Destiny: The Founding Fathers as Revolutionaries* (New York, 1973), pp. 2, 260, 265.

78. Morris's "seven," for example, are Benjamin Franklin of Pennsylvania, John Adams of Massachusetts, John Jay and Alexander Hamilton of New York, and George Washington, Thomas Jefferson, and James Madison of Virginia. Virginia, Pennsylvania, and Massachusetts were the three most populous states at the time.

79. Hanson's personal finances almost certainly suffered because of his dedication to public service. His will shows a very modest estate for a gentleman of that period: he bequeathed about ten slaves and some lots and houses in and near Frederick (Frederick County Wills, 1784, Maryland Hall of Records).

Congress showed that the delegates from the twelve other states respected Hanson, just as the voters in Charles County, his colleagues in the provincial legislature, and his fellow citizens in western Maryland had respected him and looked to him for leadership.

However, there is little to be gained by arguing whether Hanson or someone else in Maryland or elsewhere contributed more or less to the success of the revolutionary cause. The fact is that hundreds of thousands of Americans throughout the colonies helped to win independence. The following, which is Hanson's explanation of how Maryland survived the crisis in its institutions from 1774 to 1777, may also serve as his epithet:

During the whole memorable interval between the fall of the old and the institution of the new form of government, there appeared to exist amongst us such a fund of public virtue as has scarcely a parallel in the annals of the world.<sup>80</sup>

Surely John Hanson contributed to that fund of public virtue that brought the Revolution success and lasting esteem in what Jefferson called "the opinions of mankind."

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80. Quoted in Matthew Page Andrews, *History of Maryland: Province and State* (Garden City, N.Y., 1929), p. 373.

# The Patronage Follies: Bennet Allen, John Morton Jordan, and the Fall of Horatio Sharpe

JAMES HAW

ONE OF THE MOST CONSPICUOUS FEATURES OF MARYLAND'S COLONIAL POLITICAL system was the extensive patronage at the disposal of the province's proprietor, Lord Baltimore. By the 1760s the proprietor could appoint his friends or potential supporters to some ten major and seventy lesser civil offices, and he also controlled the selection of ministers for the forty-four parishes of the established Church of England. The most influential families of the province vied with one another for the leading positions of honor and profit. The use of the patronage allowed Lord Baltimore to build support for his government in the province, helped split the Maryland gentry into "court" or proprietary and "country," "patriot," or anti-proprietary factions, and constituted a frequent source of grievances that helped kindle the political attacks of the country party.

The use and abuse of the patronage also contributed significantly to the coming of the American Revolution in Maryland. The workings of the system at its inflammatory worst can be illustrated most graphically by following the Maryland careers of two of Lord Baltimore's favorites in the late 1760s, Bennet Allen and John Morton Jordan. The conduct of these two adventurers kept the proprietary administration in a state of turmoil for several years, led to the replacement of Governor Horatio Sharpe, aroused great popular discontent with Lord Baltimore's government, and served for a time to distract the province's attention from the simultaneously developing conflict over the Townshend Acts. In the end, both Maryland's own internal conflicts and the larger controversy between England and her colonies would merge into a single current that carried Maryland toward independence.

John Morton Jordan arrived in Maryland in May 1766. The Reverend Bennet Allen followed him in December. Their preferment was the most important result of the more active personal role that Frederick, Sixth Lord Baltimore, assumed in directing Maryland affairs for several years after the death of Secretary Cecilius Calvert in 1765. While Calvert lived, the playboy Frederick had left the administration of the province in his experienced hands. Now Baltimore and his new secretary, Hugh Hamersley, tried their hand at running Maryland. Their early results were not promising. Allen and Jordan between them managed to throw the proprietary administration into some disarray, and Allen's conduct

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Dr. James Haw is an assistant professor of history at Indiana University-Purdue University at Ft. Wayne.

raised considerable opposition to Baltimore's abuse of his appointive powers.

John Morton Jordan, a London merchant engaged in trade with his native Virginia and "a particular acquaintance of Lord Baltimore," came to Maryland as a special agent of the proprietor to join with Governor Sharpe and Deputy Secretary Daniel Dulany in arranging the sale of His Lordship's manors and reserved lands. The three were also to perfect and put into operation a long overdue reorganization of the proprietary revenue system.<sup>1</sup> The principal problem in that system was lax supervision of the proprietor's financial affairs by Agent and Receiver-General Colonel Edward Lloyd III. A wealthy man with enormous land holdings and diverse interests of his own, Lloyd had neither the time nor the "Activity Adroitness and Method" necessary for the proper conduct of his official duties. Lloyd's remittances to London were irregular and invariably late, and his official affairs were confused. As early as 1755 Secretary Calvert had suggested that Lloyd might have to be replaced. But Lloyd would not voluntarily resign "an Office which he thought added to his Consequence" and Calvert was apparently afraid to risk alienating the influential man by dismissing him. In 1759 Sharpe hinted that Lord Baltimore had nothing to lose by ousting Lloyd, who could do no more damage out of office than he was already doing in office. Lloyd had formed extensive connections in country party circles and reportedly had given secret encouragement to their attacks on His Lordship's prerogatives. Nevertheless Lloyd remained in office.<sup>2</sup>

If Lloyd could not be removed, he would have to be placed under closer supervision. In 1759 Calvert proposed the creation of a Board of Revenue to oversee the administration of the proprietor's financial interests in the province. The scheme, considerably modified by Sharpe, was finally adopted in 1763. Lloyd was directed to tighten his collection methods, to build a receiver-general's office in Annapolis to house his records, and to submit regular accounts to a Board of Revenue composed of the governor, commissary general, secretary, attorney general, and judges of the land office for their review and transmission to the proprietor.

Implementation of the reform was agonizingly slow. Lloyd did not like the plan and dragged his feet. Calvert continued to complain about the agent's confused accounts and disobedience to his instructions. Lloyd particularly resented the prospect of being responsible to the Board of Revenue, which would include two men against whom he had law suits pending, Daniel Dulany and Land Office Judge George Steuart.<sup>3</sup> When Jordan arrived in 1766 the Board still had not begun to function. Little wonder, then, that Lord Baltimore found it necessary to send a personal representative to Maryland to expedite the reform of the proprietary revenue system.

Upon Jordan's arrival in 1766, Jordan, Sharpe and Dulany immediately set

1. Hugh Hamersley to Horatio Sharpe, Feb. 20, 1766, in *Archives of Maryland*, ed. William Hand Browne et al., 74 vols. to date (Baltimore, 1883-), 14:266-67.

2. [H. Sharpe] to Philip Sharpe, [1768], Ridout Papers, Maryland Hall of Records, Annapolis (hereafter MHR), and to Cecilius Calvert, April 18, 1759, *Archives of Maryland*, 9: 328-29; Calvert to H. Sharpe, Dec. 23, 1755, and [March?, 1756], *Archives of Maryland*, 6: 324-25, 372.

3. Paul H. Giddens, "Land Policies and Administration in Colonial Maryland, 1753-1769," *Maryland Historical Magazine* (hereafter *MHM*), 28 (1933): 168-69; Calvert to H. Sharpe, Feb. 29, 1764, *Archives of Maryland* 14: 131.

about executing their commission. They spent two years auditing the agent's records and settling Lloyd's badly kept accounts. Meanwhile the plan for the future administration of the proprietary revenue was perfected, and the Board of Revenue at last became a reality on April 5, 1768. The completed reform reflected credit on all three commissioners, but in the process important frictions arose.

The most obvious conflict arising out of the commissioners' activities involved the wounded sensibilities of Edward Lloyd, who naturally did not take kindly to the inquiry into and settlement of his affairs. The disgruntled agent was determined to submit a dignified resignation at the earliest convenient moment. But tactless pressure from the commissioners made Lloyd's fall far more of a personal humiliation than was necessary. The leader in the attack on Lloyd was John Morton Jordan, whose "Anxiety to make him resign was very evident" to Sharpe. Soon after Jordan's arrival in Maryland, "he gave out that he was come to collect for His Lordship a vast Sum of Money that was due to him here from His Agent who as was hinted had no Inclination to part with it." In casting aspersions on Lloyd, Jordan found a ready second in Daniel Dulany. "As there had been a Difference of long standing between Colo[nel] Lloyd and Mr. Dulany," Sharpe reported, "the latter seemed rather more willing . . . to mortify the Colonel than was necessary." The Governor himself had no desire to hurt Lloyd but, reluctant to appear too favorable to the disgraced agent, he weakly went along with the policy of his fellow commissioners.<sup>4</sup>

All in all, Edward Lloyd III had to suffer through two very trying years. In the fall of 1766 Lloyd complained to Secretary Hamersley "of Reports he Imagines to have been Spread in the Province by Mr. Jordan to his prejudice." The agent, Hamersley thought, seemed to be "much hurt." When the audit was completed and Lloyd's resignation was called for in March 1768, Lloyd was quite ready to escape a most disagreeable situation. Withdrawing quietly and without public recrimination, Lloyd retired to his estate and maintained a frigid silence. He failed to attend the council sessions of 1768 and resigned from that body in November 1769, the year before his death. Shortly before his resignation Lloyd told Sharpe that he "was determined that none with whom he was intimately connected should ever be concerned" with Lord Baltimore's affairs again.<sup>5</sup> And when Edward Lloyd IV entered public life in 1771 it was as an anti-proprietary assemblyman.

Even more significant was a growing rift between Jordan and Sharpe. Jordan's personality and his motives in coming to Maryland explain much of the hostility that developed between him and the governor. John Morton Jordan was an aggressive, self-important man on the make. The son of a Virginia schoolmaster, Jordan had gone to London and become a merchant engaged in the tobacco trade. But his position in the mid 1760s was somewhat precarious. His credit rating was not good, and his fellow London tobacco merchants did not think him worthy of membership in their club. Lord Baltimore's favor came as a godsend to Jordan, and he was determined to make the most of it.

4. [H. Sharpe] to P. Sharpe, [1768], Ridout Papers, MHR.

5. Hamersley to H. Sharpe, Nov. 8, 1766, and H. Sharpe to Hamersley, June 22, Oct. 30, 1768, *Archives of Maryland* 14: 346, 509, 546.



After his arrival in Maryland, Jordan sought to impress everyone with his own high standing in Baltimore's confidence. Sharpe said that Jordan even intimated to some of his Virginia friends that the proprietor had offered him the governorship. Emphasizing his own importance served a dual purpose for Jordan. It furthered his trading ventures by helping him extend his contacts in Virginia and establish lucrative new ones in Maryland, and it fortified his growing influence in court circles in the latter colony. Sharpe commented bitterly that "from his own Declarations and His Lordships friendly Letters to him [Jordan] which were very frequently exhibited Many considered him as the most fit Person to pay their Court to in order to obtain Favour of His Lordship and really I don't think Mr. Dulany himself was at all backward."

Jordan's self-promotion challenged Sharpe's own influence and prestige. Though he avoided any indication of hostility at the time, Sharpe became ever more convinced that Jordan was not his friend. A clash in 1766 may have increased the ill feeling between the two men. Soon after Jordan's arrival he suggested that the commissioners direct Lloyd to pay the arrears from the agency into his hands for transmission to Lord Baltimore. Sharpe and Dulany refused, and the governor came to believe later that their rejection of Jordan's proposal "disconcerted him a little in a Plan he had laid for purchasing Tobacco here."<sup>6</sup> Whatever the sources of their conflict, Sharpe was to receive clear proof in 1768 both of Jordan's hostility and of his influence. But by that time the insatiable demands of Baltimore's other favorite, Bennet Allen, had produced internal dissension and public conflict for Sharpe's administration.

The Reverend Bennet Allen was aptly described by his detractor Jonathan Boucher as "a man of some talents but no principles." Allen had attended Oxford before taking orders in the Church of England in 1761, and by 1765 he was well established in Lord Baltimore's good graces. Hamersley stated that the two had become fast friends through "a Similitude in their Studys," and indeed both Baltimore and Allen considered themselves poets of some ability. (English reviewers disagreed; one of them said that Allen's verses were "enough to make a dog howl.") Beyond that their common "studies" seem to have lain chiefly in the realm of wine, women, and dissolute revelry. At any rate, it was not long before the proprietor determined to provide through his Maryland patronage<sup>7</sup> for his companion.

Baltimore at first contemplated keeping Allen with him in England, while giving the parson a parish in Maryland that could be looked after by a curate. Sharpe warned that the scheme would arouse great opposition in the province; Allen should at least come to Maryland to be properly inducted, after which he could return to England if he wished. But the warning was unnecessary. Lord Baltimore had changed his mind, and Allen sailed for the province with the intention of staying. He took with him orders from his patron that he should receive one of the best clerical livings in the province. If none of the most

6. H. Sharpe to Joshua Sharpe, June 10, 1769, and to P. Sharpe, [1768], Ridout Papers, MHR.

7. Jonathan Boucher, *Reminiscences of an American Loyalist*, ed. Jonathan Bouchier (Boston, 1925), pp. 54-55; Hamersley to H. Sharpe, March 28, 1768, *Archives of Maryland*, 14: 474-75; Josephine Fisher, "Bennet Allen, Fighting Parson," *MHM*, 38 (1943): 300.

profitable parishes was vacant, Allen was to get two of the smaller ones until an opening occurred. Baltimore's unprecedentedly warm recommendations of Allen left no doubt that his preferment was to have the highest priority.<sup>8</sup>

Upon Allen's arrival Sharpe offered him his choice of the vacant livings in the province. Allen picked St. Anne's Parish, Annapolis, worth only about £180 sterling annually but considered the traditional steppingstone to advancement in Maryland's established church. There was a somewhat more lucrative opening on the Eastern Shore, but Allen preferred the capital to that remote area, probably because of its gay society and proximity to the governor, his key to further promotion. The governor reported home that he could not give Allen a second living, since provincial law forbade pluralities unless the two parishes involved were adjacent and both vestries consented.<sup>9</sup>

Allen's reception into prestigious court circles of Annapolis society was assured. Sharpe of course showed him every mark of respect and others followed suit. Daniel Dulany and his brother Walter were particularly successful in cultivating the parson's friendship. The Dulanys had not been overjoyed to see Allen arrive. Both had been seeking a minister for Annapolis who could also see to the education of their children, and they had recently found their man in Jonathan Boucher, an English-born Virginia minister who came highly recommended by their brother-in-law, the Reverend Henry Addison.<sup>10</sup> Allen's preferment had blocked the Dulanys' plans to bring Boucher to Annapolis. But politics was politics, and Allen was obviously too close to Lord Baltimore to be slighted.

Cultivating Allen was at first not an unpleasant task. The fun-loving, irreverent minister could be a most pleasant companion, though as people came to know him better they found his tastes quite inappropriate for a man of the cloth. Allen's detractors later charged him with chronic drunkenness, though when pressed on the point one of them retreated slightly to the assertion that the parson was frequently tipsy. And if the later accusations of immoral conduct against Allen were not sustained by hard evidence, his loose and lascivious talk at least kept juicy rumors going. Then, too, Allen's condescending presumption of his own literary superiority over the rude provincials soon began to rankle.<sup>11</sup>

Despite his good beginning and bright prospects, Allen was dissatisfied with his lot. Never one to wait patiently for a good opportunity, the parson made his claims to further favor known and began to cast about for ways of augmenting his income. His discontent brought a quick response from London. Hamersley wrote Sharpe in July 1767 to urge that Allen be better provided for, suggesting that a civil office might be found if "difficultys" barred his ecclesiastical preferment. The secretary did not specify just what he had in mind, and at that point understanding between London and Annapolis began to break down.<sup>12</sup>

Allen too was undoubtedly pressing Sharpe for further preferment, and the

8. Lord Baltimore to H. Sharpe, Aug. 2, Sept. 22, 1766; H. Sharpe to Baltimore, Dec. 7, 1766, *Archives of Maryland* 14: 323, 329-30, 350-51.

9. H. Sharpe to Baltimore, Mar. 1767, *ibid.*, p. 373.

10. Aubrey C. Land, *The Dulanys of Maryland* (Baltimore, 1955), p. 281; Boucher, *Reminiscences*, ed. Bauchier, p. 54.

11. "C.D.," *Annapolis Maryland Gazette*, May 19, 1768; [H. Sharpe] to P. Sharpe, [1768], *Ridout Papers*, MHR.

12. Hamersley to H. Sharpe, July 20, 1767, *Archives of Maryland* 14: 405.

governor's resistance was beginning to weaken. Acutely conscious that any apparent reluctance to serve Allen would be held against him in London but equally aware that awarding the parson a second clerical living might produce an explosion in Maryland, Sharpe faced a most difficult dilemma. In July he repeated to Hamersley his misgivings about a second parish for Allen but added that "if Mr. Allen is willing to make a Tryal and His Lordship pleases" the attempt would be made.<sup>13</sup>

In the same letter Sharpe reported to his superiors that he had made two significant appointments to high civil offices. Daniel Dulany's brother Walter had become commissary general and George Plater naval officer of Patuxent. In each instance Sharpe believed he was fulfilling the wishes of the proprietor, and indeed he had been given no reason to think otherwise. But his action produced consternation in London. Hamersley wrote in November that Lord Baltimore had intended to bestow one of those positions upon Bennet Allen. The proprietor would not risk alienating Dulany or Plater by undoing what Sharpe had done, but the governor was sternly reproved and cautioned that Baltimore "desires your Excellency will not for the future Dispose of any Civil Employs, in favor of any particular Persons, till his pleasure be previously known, and where they cannot be kept Vacant for a sufficient time, that you will put them in Commission to such Persons, who can pretend to no further Claims, and to whom a Subsequent Negative may be safely given."

As for Allen, Hamersley expressed Baltimore's disappointment that nothing more had been done for the parson. "By no means would his Lordship involve you or himself in any Disputes about Pluralitys," the secretary cautioned. If Allen could not be advanced in the church, he should be given a civil office. Then followed the instruction that ultimately resulted in a fatal misunderstanding between the proprietor and his governor:

The Improprity of the Receiver's holding the Keepership of the Rent Roll (which was intended as a Constitutional Check upon him) has now turned his Lordships Eyes to that Employment, and to that or any other now Vacant, or which may become so, either in Consequence of any Resignation of Mr. Loyd, or of any new regulations to be proposed by the Commissioners, or by any other Accident his Lordship desires and expects Mr. Allen may be immediately Promoted, and the better it is and the sooner it reaches him, his Lordship will be the better pleased, for he has very much and deservedly engaged his Lordships attention and regard.<sup>14</sup>

Allen too was unhappy with Sharpe's appointments. The parson's jealousy of Walter Dulany's promotion opened a rift between them that later hardened into enmity. Holding Sharpe responsible for Dulany's preferment, Allen also began trying to undermine the governor with Lord Baltimore. In August Allen wrote Baltimore that His Lordship's government obviously was not succeeding. "The fault," Allen added, "either lies in the constitution or the administration."<sup>15</sup> Outwardly, of course, Allen continued to cultivate Governor Sharpe.

13. H. Sharpe to Hamersley, July 27, 1767, *ibid.*, p. 414.

14. Hamersley to H. Sharpe, Nov. 10, 1767, *ibid.*, pp. 432-34.

15. Bennet Allen to [Baltimore], Aug. 27, 1767, Calvert Papers, MS. 174, Maryland Historical Society, Baltimore (hereafter MHS).

Sharpe received Hamersley's injunction of November 1767 to avoid a contest over pluralities too late. Even before Hamersley's letter was written, Sharpe had yielded to Allen's pressure and opened a Pandora's box of trouble for all concerned. Allen's big break came with the death in October 1767 of the rector of St. James's Parish at Herring Bay, some sixteen miles from Annapolis, which returned an annual income of £300. Allen immediately applied to Sharpe for the position, and against his better judgment the governor gave him a license to officiate there as a curate. At Allen's suggestion, the governor withheld a formal induction of the parson in the hope that he could thus collect the income of both parishes without raising the issue of pluralities. But Sharpe warned both Allen and Baltimore that if the vestries should contest Allen's right to the poll tax for the support of their ministers "he will I apprehend be sorry to have made the Experiment." Allen's response was typical. He assured Sharpe "that no Stir will be made about the Affair and intimated to Me that if the Assembly should concern themselves he supposed my telling them that what had been done had been done by your Lordship's Instruction would be a sufficient Answer to them."<sup>16</sup> Allen never understood that Lord Baltimore's powers in Maryland were less than absolute. Imperious, headstrong, and determined to make his fortune quickly in spite of all obstacles, the parson simply would not listen to good advice.

Allen now set about clearing the way for his induction as rector of St. James's as well as of St. Anne's by obtaining the consent of both vestries as the law required. Early in November he sought out Samuel Chew, a member of the St. James vestry and a stepbrother of the Dulanys. Allen told Chew that if the vestry approved his induction, he would appoint a curate for St. James's who would be removed at any time the parishioners desired. The prospect of having such control over his church's minister appealed to Chew, who promised to support Allen's cause before the vestry. The other vestrymen were at first opposed, but they finally succumbed to Allen's persistent pleas and approved the parson's induction on the condition that he agree to a list of terms they would later draw up.<sup>17</sup>

Allen next went to work on the vestry of St. Anne's. Walter Dulany was a member of that body, and Allen turned to him for support. Despite a legal opinion from country party lawyer and politician William Paca favoring Allen,<sup>18</sup> Dulany refused to endorse Allen's application for permission to hold two parishes. Supported by the opinion of patriot attorney and delegate Thomas Johnson, Dulany believed the parson's design to be illegal since the two parishes, while close together, were not strictly adjacent as required by law. Walter Dulany advised Allen not to make the attempt, but the angry minister would not listen. Already displeased by Dulany's appointment as commissary, Allen now fastened on Walter Dulany as his principal enemy.

Dulany was not present at the next meeting of the St. Anne's vestry, but his

16. H. Sharpe to Baltimore, Oct. 29, 1767, and to Hamersley, Nov. 3, 1767, *Archives of Maryland*, 14: 425, 429.

17. Samuel Chew, *Ann. Md. Gaz.*, June 2, 1768.

18. Allen to H. Sharpe, Nov. 25, 1767, *Archives of Maryland*, 14: 457.

absence proved no advantage to Allen. Brice Thomas Beale Worthington, an influential patriot assemblyman, led a strong opposition to Allen on the vestry. Allen found the atmosphere at the meeting so unfriendly that he decided not to put his request for approval of the plurality to a vote. The thwarted favorite "immediately attributed his Miscarriage entirely to Mr. Dulany."<sup>19</sup>

Despite the setback Allen was "fully persuaded he shall by some means or other be able to carry his Point." His first thought was to remove the obstacle posed by Walter Dulany. Without informing that gentleman, Allen called a meeting of the St. Anne's vestry and told the startled vestrymen that they were to elect a successor to Dulany, who as a councilor was ineligible to serve on the vestry. That board refused to act without hearing Dulany's reply, and Allen was foiled again.

Allen's conduct had by that time aroused precisely the popular issue that Sharpe had dreaded. Annapolis patriots were outraged at the attempt to override the law and the wishes of the people in order to satisfy an undeserving proprietary favorite. The governor feared that the vestries would challenge Allen's right to the income of one or both parishes and that Johnson and Worthington would get the assembly to pass resolutions against the parson. Sharpe predicted "that this Spark will alone be sufficient to kindle a new Flame in the Country that will not soon be extinguish't."<sup>20</sup> The governor was quite right, and chief incendiary Allen soon provided more than just one spark.

St. James's Parish again became the center of attention. Its vestry's conditional consent to accept Allen was proving tremendously unpopular. Nor did the imprudent parson help his cause when he remarked jocularly to one vestryman that the parish's £300 income "will hardly supply me with Liquors."<sup>21</sup> (Comments of that nature were at least partly responsible for the worst rumors about Allen's character.) Samuel Chew had soon come to regret his earlier promise to support Allen. On January 6, 1768, Allen stopped by Chew's house on the way, as he said, to rent out the St. James Parish glebe. Chew told the parson that he had no right to do that, as the vestry's consent to his holding the parish had been only provisional. Chew said that the vestry would never confirm the agreement and Chew would oppose Allen in the future. A heated altercation ensued when Allen accused Chew of bad faith and said that Walter Dulany's influence was responsible for changing his stepbrother's mind. Chew swore on his Bible that Dulany had nothing to do with his change of mind, but Allen still doubted his word. Chew exploded and threw the parson out of his house. Allen then challenged Chew to a duel. Chew, hearing that Allen would carry a sword cane as well as his dueling pistols, brought along a servant with a blunderbuss to ensure fair play. Allen got wind of the blunderbuss and failed to show up. Or so they said. Perhaps neither was really too eager to fight. The altercation caused

19. Allen to H. Sharpe, Nov. 25, 1767, and H. Sharpe to Baltimore, Feb. 9, 1768, *ibid.*, pp. 457-58, 464-65; "A Plain Dealer," *Ann. Md. Gaz.*, March 3, 1768.

20. H. Sharpe to Hamersley, Nov. 27, 1767, Feb. 11, 1768; to Allen, Nov. 26, 1767, *Archives of Maryland*, 14: 460-61, 467, 459-60; and to P. Sharpe, [1768], Ridout Papers, MHR; "A Plain Dealer," *Ann. Md. Gaz.*, March 3, 1768.

21. Chew, *Ann. Md. Gaz.*, June 2, 1768.

quite a sensation, though Lloyd Dulany may have exaggerated a bit when he reported that as far away as Boston Chew was "idolized" as an heroic opponent of ecclesiastical tyranny.<sup>22</sup>

There was now not the slightest possibility that either vestry would approve Allen's venture in pluralities. Public opinion was inflamed against the minister; Samuel Chew wrote that the issues raised by Allen's conduct "will be jest as good as the Stamp Act for some."<sup>23</sup> Just what Allen expected to gain by carrying the battle into the newspapers is therefore not clear, but that is what he did. On January 28 Allen, disguised as "A Bystander," asserted in the *Maryland Gazette* that councilors could not serve as vestrymen, basing his argument on the interesting grounds that English peers were exempted from vestry duty. The publication accomplished nothing except to touch off a four-month newspaper battle between Allen and his critics. The most important facet of the controversy was Allen's ill-advised declaration that "Pluralities are tenable by *Laws*, the Effect of which no Act of Assembly in this Province, can *ever* invalidate." Allen did not choose to elaborate publicly, but Sharpe reported that the statement "at once interested in the Dispute All the Vestries and Numbers of warm People throughout the Province."<sup>24</sup> The patriots found a popular new issue in Allen's violent behavior and his high-handed disdain for the law of the province. But Allen still had not learned that the people's rights were not to be taken lightly.

In fact, the parson still had hopes of prevailing over his enemies. After the St. Anne's vestry turned down his bid for a plurality, Allen addressed to Sharpe a lengthy letter attempting to prove that the ecclesiastical laws of England were in full force in Maryland. Lord Baltimore was the head of the Maryland church and thus was invested with all the ecclesiastical powers of the king of England. And among those powers was the right to grant dispensations from the laws regarding pluralities. The proprietor's instruction that Allen be given two parishes would therefore override the act of assembly forbidding the practice. Allen falsely told Sharpe that he was sure Lord Baltimore knew the true state of affairs and agreed with his favorite's contentions. The argument proved successful. Again with deep misgivings, Sharpe gave Allen an induction into St. James's in spite of the popular opposition.<sup>25</sup>

Had Sharpe held out a little longer he could have avoided granting the second induction. Hamersley's letter of November 1767 advising Sharpe to avoid the issue of pluralities by giving Allen the office of receiver-general, rent roll keeper, or any other office made available by the reorganization of the proprietary revenue system apparently reached Maryland in February 1768. Allen, who had been expecting directions to give him a position in the revenue department and who

22. *Ibid.*; H. Sharpe to Baltimore, Feb. 9, 1768, and "State of the Difference between Mr. Allen and Mr. Chew," *Archives of Maryland*, 14: 464-65, 465-67; Lloyd Dulany to [Walter Dulany?], Mar. 27, [1768], Dulany Papers, MS. 1265, MHS.

23. Chew to H. Sharpe, Jan. 12, 1768, Dreer Collection, Historical Society of Pennsylvania, Philadelphia.

24. "C.D.," *Ann. Md. Gaz.*, Feb. 25, 1768; "A Bystander," *Ann. Md. Gaz.*, Feb. 18, 1768; H. Sharpe to Hamersley, April 1, 1768, *Archives of Maryland*, 14: 486.

25. Allen to H. Sharpe, [Dec. 1767 or Jan. 1768], and H. Sharpe to Hamersley, Feb. 11, 1768, *Archives of Maryland*, 14: 437-56, 467.

had in fact suggested the idea to Baltimore to begin with, promptly chose the agency, the highest and most profitable available office. Edward Lloyd resigned that office on March 25, and Bennet Allen became His Lordship's agent and receiver-general. At the same time he resigned as rector of St. Anne's, thus hopefully ending the conflict over pluralities. The other post vacated by Lloyd, that of rent roll keeper of the Western Shore, Sharpe gave to Daniel of St. Thomas Jenifer contingent on the proprietor's approval. Major Jenifer, a wealthy Charles County planter and merchant, had of late come to head Sharpe's personal list of deserving applicants for office.<sup>26</sup>

Allen, still not satisfied with the status he had attained, learned in early May that the Reverend Thomas Bacon, highly respected rector of All Saints Parish, Frederick County, was near death. This large and rapidly growing frontier parish was the richest clerical living in the province, and Allen had long had his avaricious eye on it. It was common knowledge that the parishioners intended to petition for a division of All Saints upon Bacon's death, but Allen had been combating that plan for more than a year in order to preserve the full benefits of the living for himself. Allen requested Sharpe to give him an induction into All Saints before the petition could be presented. Immediately upon the incumbent's death Sharpe did just that.<sup>27</sup>

The parson arrived in Frederick on Tuesday May 31 to take possession of his new parish. All was quiet until Saturday morning, when the town received copies of the *Maryland Gazette* containing the latest anti-Allen article by "C.D.," which was probably the pen name of Walter Dulany. According to Allen, "private Letters recommending all kind of Violence even to Murder" against him were also included in the mail. The parson suspected that his parishioners intended to prevent him from conducting his induction ceremony. His own account of what ensued is substantially accurate:

I saw the Storm and anticipated it. On Saturday I got the Keys went into the Church read Prayers the 39 Articles and my Induction. On Sunday having heard that the Locks were taken off and the Door bolted within I got up at four oclock and by the Assistance of a Ladder unbolted them getting in at a Window and left them on the Jar. I went at 10 oclock and found all the Doors and Windows open. The Vestry came up to me and spoke of Breach of Privilege [Allen not having shown them his induction or any other authority for his taking over]. I said I am not acquainted with Customs I act by the Letter of the Law. The moment the Governor signs an Induction, Your Power ceases, I am sorry that any Dissention etc. I saw they drew to the Doors of the Church. I got a little Advantage leap't into the Desk and . . . begun the Service. The Congregation was called out. I proceeded as if nothing had happened till the Second Lesson. I heard some Commotions from without which gave me a little Alarm and I provided luckily against it. . . . they called a number of their Bravest that is to say their largest Men to pull me out of the Desk. I let the Captain come within two Paces of me and clapt my Pistol to his Head. What

26. H. Sharpe to Hamersley, Feb. 24, 1768, and to Baltimore, Mar. 31, 1768; Allen to H. Sharpe, Nov. 25, 1767, *ibid.*, pp. 469-70, 479-80, 458; Allen to [Baltimore], Aug. 27, 1767, Calvert Papers, MS. 174, MHS; H. Sharpe to Hamersley, Oct. 30, 1768, *Archives of Maryland*, 14: 546-47.

27. [Allen to Baltimore], Feb. 1767, Calvert Papers, MS. 174, MHS, and to H. Sharpe, May 8, 1768, and H. Sharpe to Baltimore, May 15, 1768, *Archives of Maryland*, 14: 494, 498.

Consternation! they accuse me of swearing by God I would shoot him, and I believe I did swear, which was better than praying just then. They retired and I proceeded, but the Doors and Windows flying open and Stones beginning to Rattle my Aid de Camp Mr. Dakein advised me to retreat, the Fort being no longer tenable. We Walk't thro the midst of them facing about from time to time till we got some Distance when Stones began to fly. . . .

The barrage continued until Allen surrendered the church keys. The parson was then allowed to escape, and he fled to Philadelphia. "This I have the Dulany's to thank for," Allen raged.<sup>28</sup>

In September 1768 Allen renewed his attack on Walter Dulany in the Pennsylvania press, charging the commissary with raising a mob against him in Frederick and seeking to ruin him by all means fair and foul. Dulany indignantly appealed to the governor for an investigation of the charges. Sharpe called a council meeting for October 10 and notified Allen that he would be expected to produce the evidence to substantiate his accusations. The parson, who of course had no proof, replied that he was under no obligation to appear and did not intend to do so. The final episode in the Allen-Dulany feud took place in November, when the two men brawled publicly on the streets of Annapolis. Walter Dulany, although he was "a heavy, gouty, and clumsy man," thrashed Allen soundly.<sup>29</sup>

By that time Horatio Sharpe had been replaced as governor of Maryland. The immediate circumstances surrounding the decision in July to replace Sharpe are somewhat unclear, but the key figure was certainly John Morton Jordan.

The reorganization of Lord Baltimore's revenue system was essentially completed by the spring of 1768. The sale of the proprietary manors was underway, though it was not going particularly well; Lloyd's accounts had been audited and the agent himself superseded; and the Board of Revenue was ready to begin operations. Jordan was now ready to report back to London. He left Maryland toward the end of March for Virginia and probably sailed from that province for England in late April or early May. Soon after Jordan reported to the proprietor, things began to happen. Jordan had promised that they would.

Before his departure from Maryland Jordan "express't Dissatisfaction in several Counties and gave Intimations that People here may soon after his Return to London expect a considerable Revolution." Sharpe may not have learned of Jordan's threats immediately, but when he did he quickly sought to counter them. The governor wrote Hamersley requesting that he be given a fair chance to exonerate himself from any "Insinuations to my Disadvantage" that Jordan might make. He also notified his brother Philip in England of the situation so that Sharpe's friends might bring their influence to bear if necessary. But the governor's supporters were not powerful enough to save him. The two Sharpe brothers who had been closest to Lord Baltimore, John and William, were

28. Allen to H. Sharpe, June 6, 1768, *Archives of Maryland*, 14: 501-3; "A Parishioner of All Saints," *Ann. Md. Gaz.*, Sept. 1, 1768; Allen, *An Address to the Vestrymen . . . of All-Saints* (Philadelphia, 1768), pamphlet, MHS; W. Dulany to Hamersley, Sept. 29, 1768, Dulany Papers, MS. 1265, MHS.

29. W. Dulany to H. Sharpe, Sept. 26, 1768, *Archives of Maryland*, 14: 530-31; Fisher, "Allen," *MHM*, 39 (1944): 51-52; Boucher, *Reminiscences*, ed. Bouchier, p. 55.



both dead. So of course was Cecilius Calvert. "When You lost my Lords Uncle You lost your best Friend with his Lordship," another of Sharpe's brothers told the governor.<sup>30</sup>

Jordan's influence, on the other hand, proved to be immense. Lord Baltimore, obviously impressed with the performance of his favorite, made Jordan a gift on July 15 of Conococheague Manor and Reserve, containing some 18,000 acres and worth at least £18,000 sterling. Jordan was elevated to the new office of Supervisor of His Lordship's Accounts, Lands, and Revenues for Maryland, which involved supervision of the Board of Revenue and of all the proprietor's property interests in his province. In August one of Jordan's Maryland factors, George Lee, was appointed surveyor general of the Western Shore, a sinecure that successive governors had held for more than fifty years.<sup>31</sup>

If Jordan needed any help in ousting Sharpe, reports from Maryland furnished him with plenty of ammunition. By early July the proprietary circle in London knew of Bennet Allen's appointment as agent and his induction into All Saints, but apparently had not yet heard of Allen's tumultuous reception in Frederick. Baltimore and Hamersley were very angry with Sharpe for having conferred the agency on the parson. The proprietor would have been happy to have Allen as rent roll keeper, as he had indicated, but apparently Hamersley's sweeping directive of November 1767 to give the minister "that or any other" office that might become vacant by Lloyd's resignation was not intended to extend to the agency. The secretary's vagueness had led Sharpe into a serious misunderstanding of his superiors' wishes. Lord Baltimore knew his favorite well enough to be quite certain that he did not want to have Allen in charge of collecting his revenues. The proprietor was "surprized and displeased at the hasty Appointment," Hamersley told Sharpe on July 18. "His Lordship never entertained the least Imagination of Conferring the first Employ in the Province, an Office of all others the most interesting to himself which required an intimate Knowledge of the Country and of every Law and every Branch of the Revenue . . . upon a Stranger newly come into the Country (however he might be attached to him) in preference to all his antient Tenants many of whom he is satisfied are possess't of All the Qualifications requisite for the Employ."<sup>32</sup>

Hamersley ordered Sharpe to remove Allen as agent and replace him with—of all people—Matthew Tilghman, who had been a country party leader ever since his brother Edward was fired as rent roll keeper of the Eastern Shore in 1755. Sharpe's friend Major Jenifer was to be removed as rent roll keeper in favor of Reuben Meriwether. In addition Tilghman and his son-in-law Charles Carroll, Barrister, another leading opponent of the proprietary administration, were to be offered seats on the governor's council. Sharpe was not completely surprised at the favor shown to the two patriot leaders in direct contradiction to long-standing

30. H. Sharpe to Hamersley, May 27, 1768, *Archives of Maryland*, 14: 500-1; to P. Sharpe, [1768], and J. Sharpe to H. Sharpe, Aug. 6, 1768, Ridout Papers, MHR.

31. H. Sharpe to Hamersley, Oct. 23, 1768, *Archives of Maryland*, 14: 534; Giddens, "Land Policies," *MHM*, 28 (1933): 171; H. Sharpe to [Gregory Sharpe], Dec. 10, 1768, Aubrey C. Land, ed., "The Familiar Letters of Governor Horatio Sharpe," *MHM*, 61 (1966): 199-200.

32. Quoted in H. Sharpe to Hamersley, Oct. 30, 1768, *Archives of Maryland*, 14: 544. Only a fragment of the original letter has survived.

policy against rewarding country party members. Tilghman and Carroll, dissatisfied with their London tobacco correspondents, had given their business to Jordan's company. Sharpe had suspected from the first that the arrangement might have political implications. He naturally attributed the appointments to Jordan's influence.<sup>33</sup>

Hamersley's letter to Sharpe on July 18 apparently gave no indication that the governor was to be superseded. By that date, however, the decision was all but made. Joshua Sharpe had heard a report to that effect from a reliable source on July 9. The report was confirmed on July 20, when Hamersley wrote Sharpe that the governorship would be given to former Coldstream Guards officer Robert Eden, who had married Lord Baltimore's sister Caroline. The official explanation for the change was simply that the proprietor had been prevailed upon to provide for his brother-in-law, who "had by extravagant Living and Gaming run himself into such Streights and Difficulties that he could not well continue longer" in England. Hamersley and Baltimore both expressed complete satisfaction with Sharpe's performance.<sup>34</sup>

Eden's friends had been "working incessantly" to procure the governorship for him ever since Secretary Calvert's death in 1765. Despite the official explanation, however, Lord Baltimore's dissatisfaction with Sharpe's recent actions in appointing Walter Dulany commissary and George Plater a naval officer, in approving Allen's request for a second parish, and in giving the agency to Allen opened the way for Eden's success. Where the parson was concerned Sharpe simply could not win. Sharpe's efforts to remain in favor in London by serving Allen seemed to lead only to misunderstandings with the proprietor and trouble in Maryland. And although Sharpe favored Allen far beyond his own inclinations, he constantly feared—with much reason—that his qualms about granting Allen's "unreasonable" demands were being represented to Baltimore by the favorite as a reluctance "to fulfill His Lordship's pleasure."<sup>35</sup> Sharpe had tried very hard to please, but everything had gone wrong.

Finally there was the role of John Morton Jordan. It is impossible to say just what Jordan told Baltimore about Sharpe, but it seems clear that Jordan considered Sharpe a hostile rival for influence in Maryland affairs who had to be eliminated. Both Sharpe and his brothers were sure that Jordan's "alpowerful" influence with Baltimore was instrumental in the change, and they seem to have been correct. Benjamin Galloway, a young Marylander studying in England, wrote home that Jordan boasted publicly in London of having placed Eden "in his station of governor."<sup>36</sup>

33. Hamersley to H. Sharpe, July 18, 1768, and John Morton Jordan to H. Sharpe, Aug. 16, 1768, *ibid.*, pp. 512–13, 524; [H. Sharpe] to P. Sharpe, [1768], Ridout Papers, MHR; H. Sharpe to Baltimore, Oct. 31, 1768, *Archives of Maryland*, 14: 551.

34. J. Sharpe to H. Sharpe, July 9, Aug. 6, 1768, Ridout Papers, MHR; Hamersley to H. Sharpe, July 20, 1768, *Archives of Maryland*, 14: 515–16.

35. J. Sharpe to H. Sharpe, Aug. 6, 1768, Ridout Papers, MHR; H. Sharpe to Hamersley, Oct. 23, 1768, *Archives of Maryland*, 14: 537; H. Sharpe to [G. Sharpe], Dec. 10, 1768, Land, ed., "Familiar Letters," *MHM*, 61 (1966): 200–1.

36. P. Sharpe to H. Sharpe, Aug. 29, 1769, Ridout Papers, MHR; Benjamin Galloway to John Galloway, April 8, 1769 (filed under 1774), Galloway, Maxcy, Markoe Papers, Library of Congress, Washington, D. C.

The chief beneficiaries of the turnover were Jordan, Eden, and to a lesser extent the Dulanys. According to Sharpe, Daniel Dulany had managed to stay in the good graces of John Morton Jordan. That gentleman's help was invaluable to the Dulanys in removing the possible dangers to their position that arose from their quarrel with Allen. Jordan, Sharpe believed, had "turned the Scale" of proprietary opinion in favor of the Dulanys. Allen was dropped from favor and the Dulanys received "Letters of adulation" from Hamersley. In addition the Dulanys had lost a mildly hostile governor—they had not gotten along well with Sharpe—and gained an unknown but potentially friendly one. Sharpe wrote bitterly to his brother that

the Messrs. Dulanys seem to have the game in their own hand and tis reported that Letters from London say Mr. Jordan had hinted that Captain Eden would be particularly recommended to them. This in my opinion is not very well judged for however great Mr. Daniel Dulany's Talents may be Captain Eden should on his arrival wish to be considered as free from all Influence and Prejudices. . . . If Mr. Jordan preserves the ascendancy he has at present over My Lord I shall never be sorry that I am dismissed so early in his Ministry, for I should have thought it dishonourable to serve under his Controul or Direction.<sup>37</sup>

Sharpe did not leave office immediately, however. Robert Eden assumed the governorship only on June 6, 1769. It was thus left to Sharpe to carry out the other changes in the disposition of offices that were ordered in July 1768. To Sharpe's surprise, Tilghman and Carroll declined their appointments. Having made their fortunes and risen to leadership of the patriot faction, the two probably had no desire to sacrifice their popularity by identifying themselves with the increasingly despised proprietary government.

Sharpe then asked the Board of Revenue whether Allen should be retained as agent. Before answering, the board decided to ask Allen for an accounting of the funds he had received and the remittances he had made to the proprietor. The parson refused on the ground that his instructions required him to make an accounting once a year at a specified time and the board had no power to demand his accounts in the interim. Allen's impertinence sealed his fate. On November 25, 1768, he was superseded by Daniel of St. Thomas Jenifer. But the provincial administration was still not rid of Allen. The parson would not give up his official papers to Jenifer. He stated that he bore a commission directly from the proprietor and that the governor had no right to remove him. "It is evident," Allen contended, "that the same power that gives can alone take away. . . . My Lord orders me to resign to Mr. Tilghman whom he has appointed. His Lordship has not ordered me to resign to Mr. Jenifer, whom he has not appointed." Only after the board ordered Allen's bond as agent put in suit did he agree to wind up his accounts, and only in 1771 were those accounts satisfactorily closed.<sup>38</sup> The

37. H. Sharpe to [G. Sharpe], Dec. 10, 1768, Land, ed., "Familiar Letters," *MHM*, 61 (1966): 201-2.

38. Allen to H. Sharpe, Nov. 29, 1768, *Archives of Maryland*, 14: 559; Minutes of the Board of Revenue, Nov. 21, 1768 to June 6, 1771, *ibid.*, 32: 411-68. Lord Baltimore had sent a blank commission for Allen in 1767, leaving it to Sharpe to fill in the appropriate office. This was the basis of Allen's claim to have been commissioned directly by the proprietor.

confusion caused by Allen's tenure as agent thus largely offset for a time the salutary effects of the reform of the proprietary revenue system.

Jenifer was destined to be disappointed once again in his hopes for high office. Lord Baltimore did not approve his appointment as agent, preferring to give that office also to John Morton Jordan. But by the end of 1769 Jordan was not a well man. He resigned shortly before his death in 1771. The wily Jenifer, whose unfailing conviviality and talent for political intrigue as well as his very real ability secured him as high a place in Eden's regard as he had held in Sharpe's, regained the office and this time held it.<sup>39</sup>

Thus the activities of Allen and Jordan affected decisively the careers of a number of important Maryland politicians. But the affair had an impact on Maryland that went far beyond its immediate consequences, and any account of the controversy would be incomplete without an attempt to indicate briefly its long-range significance for the coming of the American Revolution in Maryland. That in turn requires that the Allen-Jordan affair be viewed in the twin contexts of the perennial issue of church reform, and of the larger conflict between Britain and her colonies.

There had long been considerable recognition in Maryland and elsewhere of the need to provide better discipline and tighter organization for the Church of England in the colonies. That issue again came to the fore in Maryland after 1767 because the impact of Bennet Allen's conduct was reinforced by other simultaneous troubles in the province's established church. Maryland's Anglican clergymen were a very mixed lot, some quite good and others very bad, and not surprisingly the latter sort tended to get more than their share of attention. The Reverend Thomas Chandler, visiting the lower Eastern Shore in 1767, informed the Bishop of London that the "general character of the Clergy" there was "most wretchedly bad. It is readily confessed that there are some in the province whose behaviour is unexceptionable and exemplary, but their number seems to be very small in comparison, they appearing like here and there lights shining in a dark place. It would really, my Lord, make the ears of a sober heathen tingle to hear the stories that were told me by many serious people, of several Clergymen in the neighbourhood of the parish where I visited, but I still hope that some abatement may fairly be made on account of the prejudices of those who related them."

The 1767-68 crop of scandals involving clergymen was particularly large. Parson Richard Brown of St. Mary's County had lived outside his parish for more than three years without providing a curate and had recently been accused of murdering one of his slaves. Brown fled to Virginia until the only potentially damaging witness against him—his son—could be packed off to Scotland, then returned and was acquitted for lack of evidence, although he ceased to officiate in his parish. Reverend Neill MacCallum (or McCullum) of Dorchester was an alcoholic unable to perform "any part of his Duty." Another minister was "said to be not only an habitual Drunkard but also to live in Adultery." Probably no other Maryland clergymen at that time were so bad, but Sharpe reported that

39. Donnell Maclure Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland* (Baltimore, 1953), p. 168.

several others were not conscientious in discharging their duties.<sup>40</sup>

Given the deficiencies of many of Baltimore's clerical appointees it was natural that the people of Maryland should come to desire far-reaching reforms in their established church. The Reverend Chandler discovered that many Marylanders "look upon themselves to be in a state of the cruelest oppression with regard to ecclesiastical matters. The Churches are built and liberally endowed, entirely at their expense, yet the proprietor claims the sole right of patronage, and causes induction to be made without any regard to the opinion of the parishioners; those who are inducted are frequently known to be bad men even at the time, and others soon shew themselves to be so after induction." Yet there was "no remedy," since not even Baltimore himself could remove an inducted minister. By 1768 some Marylanders were beginning to voice the conviction that the parishioners, not the proprietary, should have the power of ecclesiastical preferment.<sup>41</sup>

Popular discontent over church affairs exploded in the winter of 1767-68 among the parishioners of Coventry Parish in Somerset and Worcester counties. The parish had had no inducted minister and had been served by a curate since the death in 1766 of Nathaniel Whitaker, "who by his Sottishness and immoral Behaviour had long been considered as an intollerable Burthen by the Parishioners." About the time that Allen publicly raised the issue of pluralities, the vestry of Coventry adopted the radical idea that each vestry had the right to choose its parish's minister, as was the practice in Virginia. The vestrymen asserted "that they would not admit any Rector unless of the Parishioners Election." Sharpe immediately countered by inducting one Mr. Ross into the parish, but the threats of the parishioners caused Ross to give up without even going to Coventry Parish. The governor then gave the living to Philip Hughes, a stalwart former army chaplain who was not easily frightened. Hughes took with him an opinion from Daniel Dulany refuting the vestry's claim, and for a time all was quiet. But opposition to Hughes did break out and continued at least into 1769. Despite threats, mobs, and rumors of mobs, Hughes stayed.<sup>42</sup>

It was evident to almost everyone that some supervision of the clergy was needed to correct the abuses arising from unfit ministers. Some of the parsons, led by Jonathan Boucher (who finally got St. Anne's Parish from Eden), favored the establishment of an Anglican bishop for the colonies, an idea which had long been in the air throughout America and in England as well. Lord Baltimore opposed that idea as an infringement on his ecclesiastical prerogatives. In 1768 both houses of assembly passed a bill creating a board, composed of the governor and three clergymen and three laymen appointed by the governor, which was to

40. Rev. Thomas Chandler to Bishop of London, Oct. 21, 1767, in William Stevens Perry, ed., *Papers Relating to the History of the Church in Maryland, A. D. 1694-1775* (Privately printed, 1878), pp. 334-35; H. Sharpe to Hamersley, June 22, 1768, *Archives of Maryland*, 14: 507; Proceedings of the Lower House of Assembly, June 22, 1768, *Archives of Maryland*, 61: 410-11.

41. Chandler to Bishop of London, Oct. 21, 1767, Perry, ed., *Papers Relating to Church*, pp. 334-35; Chew to H. Sharpe, Jan. 12, 1768, Dreer Collection, Hist. Soc. Pa.

42. H. Sharpe to Baltimore, March 31, 1768, and to Hamersley, April 1, May 15, Oct. 30, 1768; Outerbridge Horsey to H. Sharpe, Oct. 15, 1768; Philip Hughes to H. Sharpe, Dec. 16, 1768, June 13, 1769, *Archives of Maryland*, 14: 480-81, 488, 498, 533, 560-63.

have power to discipline or remove clergymen accused of wrongdoing or neglect. Sharpe personally favored the proposal but felt compelled to lay the bill aside until the proprietor's will was known. The delegates let it be known that "they will push the Bill every Sessions till they obtain it," and they ultimately succeeded. Governor Eden signed a similar measure into law in 1771, but apparently the board never functioned.

Sharpe commented in 1768 that Allen's doings and "the bad Conduct of some among the Clergy" had made the ministers and their relatively high salaries "more thought of lately than every they were before."<sup>43</sup> The ill repute into which the clergy had sunk was to have important consequences in the early seventies. The expiration in 1770 of the provincial law regulating the ministers' salaries and the fees charged by officers of the civil government for their services furnished the occasion for the patriots' discontent with the proprietary patronage system to burst forth in a sweeping attack against Lord Baltimore's administration.<sup>44</sup>

The most significant feature of the officers' fee controversy of 1770-74 was the application of English Commonwealth ideas to the internal government of the province. Eighteenth-century Commonwealth thinkers, whose political views were widely popular in America, stressed the dangers which they believed the English ministry's use of patronage to corrupt and control Parliament posed to the liberty of Englishmen throughout the empire. The Stamp Act and Townshend Acts had appeared to confirm the reality of those dangers, and by 1770 the belief that England was confronted with ministerial tyranny based on the corruption of representative institutions through the use of the patronage was firmly rooted in the minds of many Americans.<sup>45</sup>

Maryland too possessed an extensive and expensive patronage system which Lord Baltimore and his "ministers" used to uphold and extend their political influence in the province. After 1770 Marylanders realized that the analysis of the Commonwealth writers, which they had used to define the threats posed by the Stamp and Townshend Acts, applied to their own provincial politics as well as those of the empire. Once the link had been made, Lord Baltimore's government could be seen as not simply corrupt, but actively dangerous to liberty in Maryland in much the same way as was the government of England itself. The Allen-Jordan affair, by serving as an object lesson in the abuses of patronage and thus helping kindle the discontent that led Maryland patriots to make that link, had an impact far beyond its temporary disruptive effect on the province in the late 1760s.<sup>46</sup>

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43. Charles Albro Barker, *The Background of the Revolution in Maryland* (New Haven, Conn., 1940), pp. 358-62; Rev. Hugh Neill to Bishop of London, Sept. 20, 1768, Perry, ed., *Papers Relating to Church*, pp. 337-38; H. Sharpe to Baltimore, June 23, 1768, *Archives of Maryland*, 14: 510.

44. For the officers' fee controversy, see the author's article, "Maryland Politics on the Eve of Revolution: The Provincial Controversy, 1770-1773," *MHM*, 65 (1970): 103-29.

45. Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1967), pp. 22-159.

46. For a fuller explanation and documentation of this thesis, see the author's "Politics in Revolutionary Maryland, 1753-1788" (Ph. D. diss., University of Virginia, 1972).

# The Poll Tax Controversy in Maryland, 1770-76: A Case of Taxation *with* Representation

JEAN H. VIVIAN

AS THE PLANTERS, MERCHANTS, AND LAWYERS WHO COMPRISED THE MARYLAND General Assembly gathered in Annapolis in September of 1770, the political climate seemed notably tranquil. "The Province," wrote Councilor Walter Dulany, had "been in a perfect Calm" since the arrival of Governor Robert Eden, brother-in-law of the proprietor, some fifteen months before.<sup>1</sup> Reinforcing the political tranquility was a welcome era of commercial prosperity, which not even the Townshend duties had interrupted.<sup>2</sup> The legislative session of 1770 ended the halcyon days, however, and led to a complex, divisive sequence of events that in one way or another touched the life of almost every inhabitant. For Lord Baltimore's colony on the Chesapeake, the consequences were enormous.

The major task facing provincial assemblymen that autumn was the need to renew one of the most vital statutes then in force, the tobacco inspection act. Originally passed in 1747 and several times modified and re-enacted, the law established an inspection system designed to uphold the quality and price of Maryland's principal export commodity. Planters were required to carry their hogsheads of tobacco to a public warehouse for examination, repacking, and storage until shipment. In return they received inspection receipts or notes that passed as currency and were required tender for all debts and duties payable in tobacco. The same law, which represented a series of compromises among legislators and the proprietor, also included several important sections quite unrelated to tobacco inspection. There were regulations for the collection of imperial customs duties in Maryland, and there was a schedule of maximum fees that proprietary officeholders could charge for government services such as issuing land warrants and recording deeds and wills. Another section stipulated a poll, or head, tax of thirty pounds of inspected tobacco, to provide salaries for ministers of the colony's established church, the Church of England.<sup>3</sup>

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Jean H. Vivian, a resident of Grand Forks, North Dakota, is writing a biography of Thomas Stone.  
1. Dulany to Hugh Hamersley, Sept. 15, 1770 (draft), Dulany Papers, MS. 1265, Maryland Historical Society, Baltimore.

2. Eden to Lord Hillsborough, June 23, Nov. 23, 1769, "Correspondence of Governor Eden," *Maryland Historical Magazine*, 2 (March-December 1907): 228-29, 232; Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore, 1973), pp. 60, 80-82.

3. *Archives of Maryland*, ed. William H. Browne, et al., 72 vols. to date (Baltimore, 1883-), 44: 595-638.



Once wedded, these diverse measures resisted divorce. Although he strongly objected to the union, Frederick, Lord Baltimore, acquiesced in renewing the act because of its beneficial effect on the export trade.<sup>4</sup> Both he and provincial legislators realized that this omnibus legislation, essential to the economy, government, and state church of Maryland, might someday expire because of a disagreement over part of it. During its November 1769 session the Assembly renewed the act for one year, but at the same time the House of Delegates complained about excessive fees and other alleged abuses of proprietary officials, the most powerful of whom sat in the upper house.<sup>5</sup>

Although aware that the inspection act was to lapse on October 1, 1770, Eden casually prorogued the Assembly from early August to the last week of September, "a more convenient Season, at which Time we must meet that the Inspection Law may not expire."<sup>6</sup> But Walter Dulany rightly sensed that the colony's "perfect Calm" was about to "receive some Interruption." Since elections would follow the Assembly session, he warned Lord Baltimore's principal secretary that "the Patriots" of the lower house "must distinguish their Zeal for popular Regulations, to recommend themselves to the Suffrages of the People. Great Reductions are talk'd of both with Respect to the Fees of the Officers and the Revenues of the Clergy, which they say must take Place or the Inspecting Law fall to the Ground." Fees and the Anglican poll tax were threatened, he believed, because "the People have become sensible of their Power ever since the cursed Scheme of the Stamp Act."<sup>7</sup> Dulany's fears were realized when the law, after a brief extension, died on October 22 because the upper house refused to accede to the delegates' demands for reduced proprietary fees.<sup>8</sup> Maryland was left without a public tobacco inspection system, administrative procedures for customs collections, a schedule of officers' charges, and the clerical levy of thirty pounds of inspected tobacco per poll.

Of these subjects, imperial customs collections provoked virtually no controversy,<sup>9</sup> unlike the experience of other British colonies. Nor did loss of official tobacco inspection initially prompt much discord. Traders simply established an extralegal system patterned after the defunct law, and the transition from public to private inspection seems to have been accomplished without disruption.<sup>10</sup> For nearly two years thereafter, until August of 1772, tobacco brought the highest prices of the colonial period. Then the reputation and price of, and the demand for, Maryland leaf plummeted, and that, coupled with a credit and banking crisis

4. Cecilius Calvert to Edmund Jennings, Sept. 14, 1752, Entry of Letters, 1751-53, Calvert Papers, fols. 110-12, MS. 174, Maryland Historical Society; objections of Lord Baltimore laid before the Council on March 3, 1755, *Archives of Maryland*, 31: 55-57.

5. *Archives of Maryland*, 62: xv, 62-63, 90, 112, 123; Donnell M. Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland* (Baltimore, 1953), pp. 129, 132, 158, 161, 163, 169.

6. *Archives of Maryland*, 32: 370; Eden to Hillsborough, n.d., "Correspondence of Governor Eden," p. 237.

7. Dulany to Hamersley, Sept. 15, 1770 (draft), Dulany Papers. Dulany struck out the sentence on the effect of the Stamp Act.

8. *Archives of Maryland*, 62: 199, 200-201, 213, 271-72, 308, 370, 414, 421, 429.

9. Eden to the Earl of Dartmouth, Jan. 29, 1773, "Correspondence of Governor Eden," p. 301.

10. *Maryland Gazette* (Annapolis), Dec. 6 and 13, 1770, Feb. 7 and 21, March 28, May 16, June 20, 1771.



in Britain, evoked near desperation along the Chesapeake. Markets vanished, lines of credit collapsed, and suits for unpaid debts mounted.<sup>11</sup> Finally, in November of 1773, the upper house of Assembly capitulated to intense popular pressure and agreed to a separate inspection bill, a step it had resisted for more than three years.<sup>12</sup> The public warehouse system quickly revived, although the tobacco trade never recovered before the War for Independence.<sup>13</sup>

Passage of the inspection act of November 1773 left unresolved the two issues that had provoked the original crisis: officers' fees and clerical stipends. Of these, the former has received the greatest attention from historians.<sup>14</sup> As soon as the act lapsed in 1770, Eden issued his well-known, carefully worded proclamation forbidding officers' charges higher than those listed in the defunct law.<sup>15</sup> The result, of course, was to maintain the old fee schedule through executive decree. During its remaining sessions before the Revolution, the lower house vehemently denounced the governor's action, claimed exclusive jurisdiction over fees by equating them with taxes, and repeatedly branded the proclamation unconstitutional, arbitrary, and oppressive.<sup>16</sup> Provincial judges, sheriffs, clerks, and other

11. Christopher Court & Co. to Aquila Hall, Feb. 14 and 29, May 16, 1772, April 25, Sept. 20, 1773, Aquila Hall Papers, MS. 1298, Maryland Historical Society; James Anderson to James Hollyday, Sept. 1, 1772, Hollyday Papers, MS. 1317, Maryland Historical Society; Thomas Eden & Co. to Charles Ridgely & Co., Feb. 14, 1773, Ridgely Papers, MS. 692.1, Maryland Historical Society; Joshua Johnson to William Lux and Daniel Bowly, Oct. 30, 1772, June 2, July 7, 1773, Wallace, Davidson, and Johnson Letterbook, 1771-74, fols. 110, 167, 179, Maryland Hall of Records, Annapolis; Johnson to partners in Annapolis, June 2 and 29, 1773, *ibid.*, fols. 169, 175; Charles Carroll of Annapolis to Charles Carroll of Carrollton, Sept. 2, 1772, "Extracts from the Carroll Papers," *Maryland Historical Magazine*, 10-16 (June 1915-March 1921), 14: 281; Eden to Hillsborough, Aug. 21, 1772, and to Dartmouth, Aug. 19, 1773, "Correspondence of Governor Eden," pp. 297, 304; "Brutus," *Maryland Gazette*, May 13, 1773; extract of a letter from England to a Maryland correspondent, July 12, 1773, in the *Maryland Journal and Baltimore Advertiser* (Baltimore), Sept. 18-25, 1773; Richard B. Sheridan, "The British Credit Crisis of 1772 and the American Colonies," *Journal of Economic History*, 20 (June 1960): 170-75.

12. "A Voter" [Carroll of Carrollton], *Maryland Journal and Baltimore Advertiser*, Oct. 30-Nov. 6, 1773; "An Elector," *Maryland Gazette*, Nov. 4, 1773, Carroll of Annapolis to Carroll of Carrollton, Nov. 12 and 18, 1773, "Extracts from the Carroll Papers," 15: 286, 287; *Archives of Maryland*, 64: 38, 42-43, 48, 85-86.

13. Prices in the tobacco counties of the lower Western Shore may be followed in Alexander Hamilton to James Brown & Co., May 18, Oct. 31, 1774, June 30, Aug. 20, 1775, "The Letterbooks of Alexander Hamilton, Piscataway Factor," ed. Richard K. MacMaster and David C. Skaggs, *Maryland Historical Magazine*, 61-62 (June 1966-June 1967), 61: 156, 316, and 62: 144, 151.

14. See, for example, Charles A. Barker, *The Background of the Revolution in Maryland* (New Haven, 1940), pp. 345-57; Aubrey C. Land, *The Dulanys of Maryland. A Biographical Study of Daniel Dulany, the Elder (1685-1753) and Daniel Dulany, the Younger (1722-1797)* (Baltimore, 1955), pp. 289-91, 301-5; James Haw, "Maryland Politics on the Eve of Revolution: The Provincial Controversy, 1770-1773," *Maryland Historical Magazine*, 65: (Summer 1970), 107-8, 113-26, 128; Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland*, pp. 92-96, 105-18; David C. Skaggs, *Roots of Maryland Democracy, 1753-1776* (Westport, Conn., 1973), pp. 129-31; Richard Walsh, "The Era of the Revolution," in *Maryland. A History, 1632-1974*, ed. Walsh and William L. Fox (Baltimore, 1974), pp. 74-78. Biographical studies of some of the men closely associated with the dispute over Anglican stipends neglect this aspect of the subjects' lives and concentrate instead on the better-known officers' fee struggle. Edward S. Delaplaine, *The Life of Thomas Johnson* (New York, 1927), pp. 51-57; Grace A. Cockroft, *The Public Life of George Chalmers* (New York, 1939), pp. 27-29; James Bordley, Jr., *The Hollyday and Related Families of the Eastern Shore of Maryland* (Baltimore, 1962), p. 86.

15. *Maryland Gazette*, December 13, 1770.

16. *Archives of Maryland*, 63: 114, 192-200, 388.

proprietary officers nevertheless continued to function and collect fees after 1770. The lower house kept watch over the amounts charged but, pragmatically, did not attempt to halt government services until the dispute could be resolved.<sup>17</sup> The lines drawn between the governor and the House of Delegates eventually crystallized in a celebrated debate in the pages of the *Maryland Gazette* between Daniel Dulany and young Charles Carroll of Carrollton. Dulany, the respected American lawyer who enjoyed high place within the Eden administration, argued on behalf of proprietary prerogative, while Carroll championed the position asserted in the House of Delegates.<sup>18</sup>

On examining the volume and passion of contemporary evidence, one finds that the poll tax controversy—that is, the dispute over publicly collected salaries for ministers of the Church of England—agitated pre-Revolutionary Maryland as much as, and perhaps more than, officers' fees. Yet, although not unrecognized as an important issue,<sup>19</sup> the poll tax conflict has not received systematic investigation and analysis. Clerical taxes directly involved far more people because all taxpayers were assessed annually for support of the Anglican establishment. Whereas the Carroll-Dulany debate over officers' fees popularized arguments already heard in the Assembly, legislators were slow to coalesce against the poll tax. Public discussion and action ran well ahead of the House of Delegates, which ultimately adopted views bandied about in the press and at local meetings. The tax became the basis of hitherto unrecognized and untraced judicial proceedings that strongly influenced public debate and tellingly affected the rhetoric and tactics of some of the key men who later led Maryland down the road to independence. And finally, the conflict required each and every taxpayer to decide, through the power of his purse, whether he would follow the dictates of the established government or whether he would thwart and circumvent its authority. The poll tax controversy was fertile ground for the generation of the American Revolution.

When the inspection law died in October 1770, the position of the Anglican clergy differed from that of proprietary officials who suddenly lacked statutory authority for the fees they charged. Still on the books was "An Act for the Establishment of Religious Worship in this Province According to the Church of England: and for the Maintainance of Ministers" (1701/2), which enabled the clergy to continue claiming public tax funds. This statute, the foundation of the church's preferred status in the colony, provided an annual assessment of forty

17. *Ibid.*, 63: 359–61, 387–88; James S. Van Ness, "The Maryland Courts in the American Revolution: A Case Study" (Ph.D. diss., University of Maryland, 1967), pp. 143–45.

18. The letters appeared intermittently from Jan. 7 to July 1, 1773, and are reprinted in *Maryland and the Empire, 1773: The Antillon-First Citizen Letters*, ed. Peter S. Onuf (Baltimore, 1973).

19. John V. L. McMahon, *An Historical View of the Government of Maryland, from Its Colonization to the Present Day* (Baltimore, 1831), pp. 381, 397; J. Thomas Scharf, *History of Maryland from the Earliest Period to the Present Day*, 3 vols. (Baltimore, 1879), 2: 125; Bernard C. Steiner, *The Life and Administration of Sir Robert Eden* (Baltimore, 1898), p. 58; Newton D. Mereness, *Maryland as a Proprietary Province* (reprint of 1901 ed.; Cos Cob, Conn., 1965), pp. 457–59; Barker, *The Background of the Revolution in Maryland*, p. 358; Robert A. Becker, "Revolution and Reform: An Interpretation of Southern Taxation, 1763 to 1783," *William and Mary Quarterly*, 3rd Series, 32 (July 1975): 431.

pounds of tobacco per taxable, in lieu of tithing, for the support of parish ministers.<sup>20</sup>

The terms "taxable" and "taxpayer" were not synonymous in colonial Maryland. Taxables included the majority of the free, slave, and indentured population between the ages of sixteen and sixty; the only numerically significant group not so classified were free white women. Taxables always outnumbered actual taxpayers, since the masters of slaves and bonded laborers were assessed for those individuals.<sup>21</sup> In practice, each taxpayer paid the Anglican levy on himself, on any free men living in his household, which usually meant sons who did not have independent income, and on all of his servants and slaves of taxable age. In a plantation economy, poll taxes were deemed an equitable means of raising revenues for a variety of public needs, because, in the words of one proprietary governor, "as our Estates consist for the most part in Servants & Negroes those who have most property pay the greatest Share of the Tax."<sup>22</sup>

For Anglican rectors, the poll tax adopted in 1702 was more lucrative than voluntary contributions from the faithful. Even then, forty pounds of tobacco per taxable allegedly amounted to the lowest level of clerical support anywhere in Christendom because of the undeveloped state of the colony.<sup>23</sup> When subsequent population growth steadily increased the number of taxables, however, Anglican livings rose in tandem. By the middle of the eighteenth century the parishes of Maryland were among the most lucrative in the British Empire.<sup>24</sup> Provincial rectors, a jocular observer mused, "minded hogsheads of tobacco more than points of doctrine, either orthodox or hetrodox."<sup>25</sup>

Yet, because the tax was payable in tobacco, the only general medium of

20. *Archives of Maryland*, 24: 265.

21. *Ibid.*, 22: 514-15; acts of 1715 (chap. XV) and 1725 (chap. IV), *Laws of Maryland at Large, with Proper Indexes. Now first Collected into One Compleat Body . . .*, comp. Thomas Bacon (Annapolis, 1765). Beneficed clergymen and the poor who received public alms also were not counted as taxables.

22. Horatio Sharpe to Cecilius Calvert, Nov. 9, 1757, *Archives of Maryland*, 9: 100-101.

23. "A Memorial Representing the present Case of the Church in Maryland," *Historical Collections Relating to the American Colonial Church*, ed. William S. Perry, 5 vols. (reprint of 1878 ed.; New York, 1969), 4: 38 (hereafter cited as *Historical Collections*). In the unlikely case of the levy's being collected for all taxables, gross clerical salaries in 1702 would have ranged from approximately 6,150 to over 29,000 pounds of tobacco, depending upon the taxable population within any parish. Out of his gross receipts, worth anywhere from a farthing to a penny per pound, each rector had to pay 1,000 pounds to the parish clerk and a 5 percent commission to the county sheriff who collected the tobacco. Further reducing net income were debtor insolvencies; the tendency of planters, especially non-Anglicans, to satisfy the obligation with their poorest leaf; and the refusal of dissenters, especially Quakers, to pay at all. (Figures for tobacco receipts are based on the estimated number of taxables in each Anglican parish in 1696, adjusted upward to account for a taxable population growth of about 20 percent between 1696 and 1702.) *Ibid.*, 4: 9-10, 14-20; *Archives of Maryland*, 24: 266, 421, and 25: 255; Kenneth L. Carroll, "Quaker Opposition to the Establishment of a State Church in Maryland," *Maryland Historical Magazine*, 65 (Summer 1970): 167-70.

24. "Queries to be Answered by every Minister" [1724], *Historical Collections*, 4: 209, 217, 219; Hugh Jones to the Bishop of London, Oct. 19, 1741, *ibid.*, 4: 323. In addition to the poll tax, Anglican rectors collected surplice fees and, in some parishes, occupied glebe lands donated by private individuals. Furthermore, because they were not legally classified as taxables, beneficed clergymen were exempt from all other public poll taxes (Acts of 1715 [chap. XV] and 1722 [chap. IV] in Bacon, *Laws of Maryland at Large*).

25. Entry for Aug. 27, 1744, in *Gentleman's Progress: The Itinerarium of Dr. Alexander Hamilton, 1744*, ed. Carl Bridenbaugh (Chapel Hill, N.C., 1948), p. 161.

exchange at the time, real clerical income fluctuated with the market value of leaf, and for many years the export trade suffered chronic depression. Several times during the first half of the century the General Assembly sought to restrict tobacco production and thereby stabilize the trade. On the assumption that regulated leaf would bring higher prices, the legislature also attempted to reduce the amount of tobacco, by weight, per taxable and to permit at least partial payment in grain or currency. These efforts failed, in no small measure because Anglican ministers insisted that theirs were unalterable, "inviolable" livings.<sup>26</sup> The search for an improved export commodity continued nevertheless, especially after Virginia inaugurated a successful tobacco inspection system that further depressed the Maryland crop. Finally the Council notified Lord Baltimore in 1743 that just one obstacle, compulsory tobacco payments for several public assessments, including Anglican salaries, impeded effective control of tobacco. The only expedient the councilors said they could "think of, or believe practicable is, the retrenching the Tobacco Payments, into which We believe that even the Clergy themselves would voluntarily come, notwithstanding the Establishment in their favour."<sup>27</sup> That solution ultimately was embodied in the primary inspection act of 1747.

As it concerned the state church, the "Act for Amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers' Fees" reduced the gross weight of the head tax by 25 percent, from forty to thirty pounds of leaf. Every tobacco planter had to remit enough tobacco inspection receipts to satisfy the assessment on the persons for whom he was obligated, namely, the adult males of his household and all adult slaves and servants up to sixty years of age. The law recognized Maryland's growing economic diversification by allowing taxpayers who did not produce leaf for sale to pay in provincial currency at the rate of 12s. 6d. per hundredweight of tobacco. In other words, while the planter paid thirty pounds of tobacco, the nongrower tendered 3s. 9d. per taxable. County sheriffs were empowered to collect the levy and to seize and sell the goods and chattel of anyone who did not pay by June 10 of each year. Taxpayers who refused to disclose tobacco stores or other goods invited arrest. No later than June 30, the sheriff was to deliver to each rector within his jurisdiction a statement of account and the money and inspection notes he had received, minus his stipulated commission.<sup>28</sup>

Although some Anglican divines remained unconvinced that less tobacco could be worth more, they failed to secure the overthrow of a law that almost immediately improved the marketability and price of the Maryland crop,<sup>29</sup> as

26. *Archives of Maryland*, 25: 519; *ibid.*, 36: 162, 169-70, 266, 274; *ibid.*, 37: 60-61, 147, 191; "Queries to be Answered by every Minister" [1724], *Historical Collections*, 4: 190-230; clergy to the Bishop of London, Nov. 24, 1728, July 16, 1730, *ibid.*, 4: 264-67, 299; clergy petition to the King, Nov. 28, 1728, *ibid.*, 4: 267; Christopher Wilkinson to the Bishop of London, Dec. 10, 1728, *ibid.*, 4: 269.

27. *Archives of Maryland*, 28: 310.

28. *Ibid.*, 44: 601-6, 629.

29. Alexander Adams to the Bishop of London, Oct. 5, 1751, Sept. 29, 1752, *Historical Collections*, 4: 326-29; petition of Adams, Hamilton Bell, Patrick Glasgow, and Thomas Airey to the Bishop of London [1752], *ibid.*, 4: 330; Calvert to Jennings, Sept. 14, 1752, Entry of Letters, 1751-53, Calvert Papers, fols. 110-12.

well as their own incomes. Instructions issued to later governors demonstrate that proprietary officials considered thirty pounds of inspected leaf at least the equivalent of forty pounds of uninspected tobacco, for both Horatio Sharpe and Robert Eden were ordered not to assent to any bill that would eliminate the clerical support provided in the establishment act of 1702.<sup>30</sup> Successive legislation continued the inspection system until its collapse in October 1770 and retained, with few modifications, the clerical levy voted in 1747.<sup>31</sup>

It has long been recognized that the moral condition, or at least the reputation, of Maryland's rectors did not always match their preferred financial status. The problem resulted in part because the Lords Baltimore, who controlled church appointments, sometimes chose men of dubious merit. Once inducted, however, ministers were not accountable to either prelatical or lay authority. True, the colony enjoyed the services of many men with sound training and laudable dedication,<sup>32</sup> yet easily overshadowing them were priests accused not only of incompetence and neglect of duty, but also of murder, fornication, drunkenness, suicide, and breaking and entry.<sup>33</sup> In 1768 a member of the governor's Council decried the "scandalous immorality of some of our Clergy" and admitted that although provincial parsons "are better provided for than the Clergy in any other Colony . . . that they are less respectable, is not to be controverted."<sup>34</sup>

Difficulties with church patronage and ministerial accountability undoubtedly stirred popular dissatisfaction and did result in some modest reform efforts in late colonial Maryland.<sup>35</sup> Yet these perennial problems are inadequate in explaining why, after 1770, clerical livings suddenly were so brazenly attacked in the towns and counties, the press, and the lower house of Assembly. What has not been appreciated is the influence of three other circumstances that combined after 1765 to yield the clergy short-term benefits and unforeseen consequences: population growth, six years of prosperity in the tobacco trade, and the arbitrary legal distinction between tobacco growers and nongrowers for purposes of the clerical poll tax.

When the permanent establishment act was passed at the beginning of the century, Maryland had thirty Anglican parishes and a population of some 32,250

30. *Archives of Maryland*, 31: 11, and 32: 303-4.

31. *Ibid.*, 50: 313; *ibid.*, 58: 444-46, 469-71; *ibid.*, 61: 222; *ibid.*, 62: 123, 308.

32. See, for example, "Thomas Bacon," in Nelson W. Rightmyer, *Maryland's Established Church* (Baltimore, 1956), p. 158; "Thomas Bacon: Signior Lardini," in J. A. Leo Lemay, *Men of Letters in Colonial Maryland* (Knoxville, Tenn., 1972), pp. 313-42; David C. Skaggs, ed., "Thomas Cradock's Sermon on the Governance of Maryland's Established Church," *William and Mary Quarterly*, 3rd Series, 27 (Oct. 1970): 630-53; Skaggs, "Thomas Cradock and the Chesapeake Golden Age," *ibid.*, 3rd Series, 30 (Jan. 1973): 93-116; James F. Vivian and Jean H. Vivian, "The Reverend Isaac Campbell: An Anti-Lockean Whig," *Historical Magazine of the Protestant Episcopal Church*, 39 (March 1970): 71-89; George B. Utley, *The Life and Times of Thomas John Claggett* (Chicago, 1913).

33. Jacob Henderson to the Bishop of London, Sept. 1, 1715, and Jones to the Bishop of London, Oct. 19, 1741, *Historical Collections*, 4: 79, 323; Skaggs, "Thomas Cradock's Sermon on the Governance of Maryland's Established Church," pp. 639-41; Claggett to Weeden Butler, July 1, 1768, in Utley, *The Life and Times of Thomas John Claggett*, p. 20; Barker, *The Background of the Revolution in Maryland*, pp. 278-87.

34. [Anon.], "Case of the Maryland Clergy, 1769," *Historical Collections*, 4: 339-40.

35. Barker, *The Background of the Revolution in Maryland*, pp. 361-62; Skaggs, *Roots of Maryland Democracy, 1753-1776*, pp. 127-28.

souls. Seven decades later the population had grown more than sixfold, to about 202,600. The decade of the 1760s alone saw an increase of nearly 20 per cent. Since 1702, however, only fourteen new parishes had been laid out, in large part because the clergy resisted divisions that would reduce their revenues.<sup>36</sup> In the eyes of a Virginia parson waiting none too patiently for a call to Maryland, population growth had raised salaries in some parishes to "an immense Sum," so that "I have been long desirous to get over there."<sup>37</sup> These remarks were penned in 1767, just at the beginning of a six-year interval during which tobacco prices advanced dramatically, and with them, Anglican livings.

Tobacco prices began climbing during the summer of 1766, when buyers paid 13/6 and 16/ sterling a hundredweight in Baltimore. Although prices seemed "extravagantly high" two years later, the crest was not reached until 1770, when Maryland planters marketed approximately one-third of all the tobacco exported from North America and earned about £300,000 sterling.<sup>38</sup> Leaf commanded 22/5 to 25/ sterling during the shipping season of 1770 and leveled off around 25/, a record price for the Maryland crop, until a precipitous decline set in toward the end of summer 1772. Within months tobacco was selling below 1766 rates, when it could be sold at all.<sup>39</sup>

Since planters legally were obligated to pay their clerical taxes in tobacco, Anglican salaries mirrored market conditions. In 1767 only one parish returned less than £100 sterling to the incumbent. Fully a third of Maryland's forty-four parishes were worth £200 to £300 annually, while three more were rated above £350. Thomas John Claggett, serving All Saints' Parish, Calvert County, computed the following year that few or none of his colleagues earned less than £300 sterling, while some received salaries of £700 or £800.<sup>40</sup> The upper estimate

36. Rightmyer, *Maryland's Established Church*, pp. 135-52; *Archives of Maryland*, 25: 255; U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1957* (Washington, D.C., 1960), p. 756.

37. Jonathan Boucher to John James, March 9, 1767, "Letters of Rev. Jonathan Boucher," *Maryland Historical Magazine*, 7-9 (March 1912-Dec. 1914), 7: 340.

38. Lux to James Russell, June 2, 1766, and Lux to John Norton, Aug. 20, 1766, Aug. 20, 1768, Letterbook of William Lux, 1763-68, New-York Historical Society, New York City; Carroll of Annapolis to Carroll of Carrollton, April 20 and 25, 1770, "Extracts from the Carroll Papers," 12: 349, 351; William and James Anderson to Hollyday, Oct. 6, 1770, Hollyday Papers; Court & Co. to Hall, Feb. 29, May 16, 1772, Aquila Hall Papers; Vertrees J. Wyckoff, *Tobacco Regulation in Colonial Maryland* (Baltimore, 1936), p. 204. Planter and merchant correspondence offers the best barometer of conditions in the tobacco trade, since there are no reliable wholesale commodity price indexes for Maryland. Rising Maryland prices between 1766 and 1772, as well as depression beginning in the fall of 1772, paralleled developments in Virginia and North Carolina, but the paucity of price information for 1773 to 1776 does not permit a gauge of the depth of the Maryland depression in relation to that elsewhere (Arthur H. Cole, *Wholesale Commodity Prices in the United States, 1700-1861. Statistical Supplement* [Cambridge, Mass., 1938], pp. 55, 57-58, 60, 62-63, 65, 67).

39. Carroll of Annapolis to Carroll of Carrollton, April 20, Aug. 12, 1770, Sept. 2, 1772, "Extracts from the Carroll Papers," 12: 349, 367, and 14: 281; Thomas Ringgold to Samuel Galloway, Sept. 12, Nov. 29, 1772, Galloway, Maxcy, Markoe Papers, Manuscript Division, Library of Congress, Washington, D.C.; Court & Co. to Hall, Feb. 14, 1773, Aquila Hall Papers; Hamilton to James Brown & Co., May 18, 1774, "The Letterbooks of Alexander Hamilton, Piscataway Factor," 61: 156. Cf. Cole, *Wholesale Commodity Prices in the United States, 1700-1861. Statistical Supplement*, pp. 55-65. According to the official exchange rate, £1 sterling was the equivalent of £1 2/3 Maryland currency. Economic conditions did cause some fluctuation.

40. "List of the Parishes in Maryland and their Annual Value, as returned in the year 1767,"

grew to £1,000 by 1770, and the single most populous parish, it was stated, "will very probably soon produce an income little inferior to many English bishoprics."<sup>41</sup>

The prevailing economic conditions laid bare an inequity, contained in the inspection law, of having two separate categories of taxpayers. In fixing the value of tobacco at 12s. 6d. per hundredweight, the Assembly had intended the planters' leaf and the nongrowers' currency to constitute equal poll tax payments. Over the years, however, good times and bad caused the real value of the two kinds of contributions to fluctuate. Tobacco gains after 1765 produced spectacular imbalances. Based upon the actual value of their remittances, tobacco growers by 1770 were paying about 300 per cent more in poll taxes than were nongrowers. And planters, far more than town dwellers or other farmers, were likely to maintain large numbers of slaves and indentured servants, upon whom they also were taxed.<sup>42</sup>

It was not surprising, therefore, when talk of "Great Reductions" in clerical revenues was heard on the eve of the 1770 meeting of the General Assembly, the meeting in which the tobacco inspection act came up for renewal.<sup>43</sup> Jonathan Boucher of St. Anne's Parish in Annapolis expected a concerted effort to extend to everyone the choice of paying the poll tax at 12/6. He was certain the matter would receive spirited debate in the Assembly and would become law unless Governor Eden vetoed it. While Boucher admitted that the inspection law had produced "a glaring Inequality, that two Men, for the same Services, are rated so very differently," his hope for the defeat of any equalization among taxables sounded more acquisitive than apostolic.<sup>44</sup>

Eden later contended that efforts by the House of Delegates to reduce officers' fees and clerical salaries formed "an unsurmountable Stumbling Block" that killed the tobacco inspection law.<sup>45</sup> The former was the irreconcilable issue. Unlike their diametrically opposed positions on proprietary fees, the two houses did reach initial accord with respect to the church establishment. They agreed to include in the inspection bill an option for poll tax payments in either tobacco or currency at the discretion of the taxpayer. They also agreed to retain tobacco

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*Historical Collections*, 4: 336-37; Claggett to Butler, July 1, 1768, in Utley, *The Life and Times of Thomas John Claggett*, p. 20. Corroboration is contained in Boucher to James, March 9, 1767, "Letters of Rev. Jonathan Boucher," 7: 340; and Thomas B. Chandler to the Bishop of London, Oct. 21, 1767, *Historical Collections*, 4: 334-35.

41. William Eddis, *Letters from America*, ed. Aubrey C. Land (Cambridge, Mass., 1969), pp. 27-28. A rough sense of the size of clerical incomes, in relation to the rest of the Maryland population, may be obtained from Aubrey C. Land's work with colonial inventories and accounts of estates in personality ("Economic Base and Social Structure: The Northern Chesapeake in the Eighteenth Century," *Journal of Economic History*, 25 [Dec. 1965]: 639-54).

42. The number of tobacco growers and the taxables they maintained is not known, but agricultural diversification did not erode the importance of the tobacco trade during the late colonial period (See Table III in Barker, *The Background of the Revolution in Maryland*, p. 381; Jacob M. Price, "The Economic Growth of the Chesapeake and the European Market, 1697-1775," *Journal of Economic History*, 24 [Dec. 1964]: 496).

43. Dulany to Hamersley, Sept. 15, 1770 (draft), Dulany Papers.

44. Boucher to James, Aug. 25, 1770, "Letters of Rev. Jonathan Boucher," 8: 172.

45. Eden to Hillsborough, April 4, 1771, "Correspondence of Governor Eden," p. 243. Cf. Walter Dulany to Daniel Dulany of Walter, Sept. 19, 1771, Dulany Papers.



payments at thirty pounds per poll but to rate currency at thirty-two pounds. That would raise the money assessment from 3/9 to 4/ common currency per taxable, a modest palliative for the clergy. This major alteration of Anglican livings was lost when the upper house rejected the inspection act and then refused to pass separate bills governing clerical income and other public assessments so long as officers' fees were not settled.<sup>46</sup>

Eden prorogued the Assembly on November 21. The following day, in the *Maryland Gazette*, Bennet Allen, a sycophantic, licentious character whose escapades in search of fortune bordered on the incredible, became the first rector publicly to proclaim a clerical windfall of ten pounds of tobacco per poll from the death of the inspection law. Once more, he notified the taxpayers of his Frederick County parish, the clergy were entitled to forty pounds per taxable, "in Tobacco only," under the permanent establishment act of 1702. Yet, out of consideration for his parishioners, many of whom did not grow tobacco, he announced his willingness to accept either leaf or currency at thirty pounds or four shillings per head.<sup>47</sup> Thomas Chase, rector of St. Paul's Parish in Baltimore, also advertised he would accept four shillings, but only after emphasizing that "the Clergy are *legally* entitled to 40 lb of Tobacco *per Poll*, payable in *Tobacco only*."<sup>48</sup>

Unfortunately for the Anglican clergy, a novel thesis was gaining some popularity throughout the province. Rumor had it that the original establishment act had been null and void since the day it passed in 1702. At that time Maryland was a royal colony, and King William III died shortly before the colonial governor approved the statute. Therefore, the argument ran, William's demise an ocean away automatically dissolved the Maryland Assembly, and the establishment act never carried the force of law.<sup>49</sup> To this technicality opponents of the clerical poll tax sooner or later rallied. Little did it matter to them that the act had gone unchallenged for nearly seventy years, and that the Assembly had acknowledged and supplemented it in later legislation. These points were stressed in a pamphlet that asserted the statute's validity and warned members of the Assembly to be "cautious how they act with respect to the Clergy, who . . .

46. *Archives of Maryland*, 62: 352, 356-57, 365, 370, 390-91, 395, 429.

47. *Maryland Gazette*, Nov. 22, 1770. Allen's career is recounted in minutes of the Board of Revenue, *Archives of Maryland*, 32: 397-407, 411-13, 420, 440-49, 468; in Josephine Fisher, "Bennet Allen, Fighting Parson," *Maryland Historical Magazine*, 38 (Dec. 1943): 299-322, and 39 (Mar. 1944): 49-72; and in James Haw, "The Patronage Follies: Bennet Allen, John Morton Jordan, and the Fall of Horatio Sharpe," in this issue of the *Magazine*.

48. *Maryland Gazette*, Dec. 20, 1770.

49. The earliest mention of the challenge to the act of 1702 appears to be in a letter that nine clergymen wrote to the Archbishop of Canterbury in July 1770, a copy of which was laid before the Council two months later. Ethan Allen, comp., "Synodalia: Records of the Clergy Meetings in Maryland, 1695-1773," (photostat), pp. 216-17, Manuscript Division, Library of Congress; *Archives of Maryland*, 32: 382-83. The first widely distributed statement of the argument came in a pseudonymous handbill signed by a "Church of England Planter" and circulated with copies of the *Pennsylvania Chronicle*, and *Universal Advertiser* (Philadelphia), Oct. 1-8, 1770. The handbill apparently has not survived but is discussed in "A Constitutionalist," *A Reply to the Church of England Planter's First Letter Respecting the Clergy* [Annapolis, 1770], copy in the Rare Book Room of the Maryland Historical Society.



can never fail of Redress, when they are driven to the Necessity of applying Home."<sup>50</sup>

This thinly veiled threat was no obstacle to the many Maryland residents who were prepared to ignore claims to the poll tax stipulated in the establishment act. Some of the growers and traders who formed private inspection associations during late 1770 and 1771 refused to handle any tobacco meant for the clergy. Taxpayers then negotiated individually with their parish priests and frequently offered currency rather than tobacco.<sup>51</sup> Even a few county sheriffs, despite their duty to enforce all laws, helped circumvent the act of 1702. The sheriff of one tidewater county continued to assess and collect thirty pounds of tobacco per poll, the amount in the defunct inspection law, while another sheriff advertised that he would accept either currency or leaf at the discretion of each taxpayer.<sup>52</sup> And, according to an unsympathetic observer, "our Lawyers, avowing their Resolves to have more Power than any established Laws, which, you know, are unavoidably polluted by Court-Fingers, give out, that they will defend, *for nothing*, any Man that shall refuse to pay either Officers or Clergy."<sup>53</sup>

Confronted by these impromptu, extralegal tamperings with their salaries, Anglican rectors failed to achieve a unified position. In fact, Eastern Shore clergymen spent most of the summer of 1771 in an enervating quarrel over a letter published by Matthias Harris of Christ Church Parish, Kent Island. Harris not only approved of the Assembly's "just Determination" to change the poll tax, but stated that he would be satisfied with 4/ per taxable if equally distributed among all ministers.<sup>54</sup>

Persons close to the popular branch of the legislature anticipated "a hot campaign" over proprietary fees during the autumn of 1771,<sup>55</sup> but clerical salaries were not expected to produce much agitation. When eighteen ministers asked the Assembly to remember their legal right to forty pounds per poll because of the establishment act, the upper house sent the petition to the House of Delegates without comment.<sup>56</sup> The delegates proceeded to pass the same tax both houses

50. "A Constitutionalist," *A Reply to the Church of England Planter's First Letter Respecting the Clergy*, p. 6. The pamphlet has been attributed to Allen (Lawrence C. Wroth, *A History of Printing in Colonial Maryland, 1686-1776* [Baltimore, 1922], pp. 234-35; Fisher, "Bennet Allen, Fighting Parson," 39: 59).

51. *Maryland Gazette*, Dec. 13, 1770, Feb. 21, March 28, June 27, 1771. Carroll of Annapolis to Carroll of Carrollton, May 30, 1771, "Extracts from the Carroll Papers," 13: 259.

52. Sheriff's accounts for William West of St. Andrew's Parish, St. Mary's County, 1770 and 1771, in the Maryland Diocesan Archives, on deposit in the Maryland Historical Society; West's account with John Glassford & Co., Leonardtown Store, 1772-73, Maryland Diocesan Archives; advertisement of Sheriff John Clapham, *Maryland Gazette*, March 7, 1771, *et seq.*

53. "An honest Planter," *Maryland Gazette*, March 7, 1771.

54. *Ibid.*, June 13, 1771. Public airing of the dispute continued in the issues of Aug. 1 and 15, and Oct. 3, 1771.

55. Carroll of Carrollton to Charles Carroll, Barrister, Aug. 9, 1771, "A Lost Copy-Book of Charles Carroll of Carrollton," *Maryland Historical Magazine*, 32 (Sept. 1937): 200.

56. *Archives of Maryland*, 63: 10. In a private message to Eden, twenty-one clergymen asked him to resist "the popular breath" and argued that "this invasion of our revenues, is an invasion of the Lord Proprietary's rights. . . . with the ultimate aim of diminishing his power." Whatever the fate of the petition before the assembly, they said, "we trust, we shall not apply to your Excy. in vain" (Letter of Oct. 5, 1771, Maryland Diocesan Archives). Concurrently, "An Eastern Shore Clergyman" published

had approved the year before: thirty pounds in tobacco or thirty-two in currency (i.e., four shillings).<sup>57</sup>

Then came a surprise development. On November 4 a joint conference committee appointed to consider a tobacco inspection bill passed in the House of Delegates met for the first time. Conferees from the upper house introduced seventeen proposed alterations, among which was, "The Clergy to be left out of the Bill in all Respects." The full House of Delegates unanimously rejected the idea. Thereupon the upper house revealed that it had suggested the sweeping deletion because of "an Assurance" that the clerical stipend "wou'd not finally pass," and it now offered either to revert to the thirty pounds of tobacco and 3/9 currency per poll as in the defunct inspection act, or to retain the 3/9 for nongrowers and exclude planters altogether.<sup>58</sup> Either way the tobacco producer was sure to lose. Inclusion would make him liable to thirty pounds per poll with no money option, so that the real value of the taxes he paid would be more than three times that of the man allowed to tender currency. Even worse, exclusion would leave the tobacco grower vulnerable to clerical claims to forty pounds of tobacco under the act of 1702. Dismayed at this turn of events, the delegates informed the upper house that the poll tax question was now among "the most Material of any that remain unsettled."<sup>59</sup>

Only then did the upper house volunteer an explanation as to why it had so suddenly retreated from the tax equity it had approved during the previous session. Recalling their earlier willingness to allow money payments from all taxpayers, the members said that the problem over altered clerical revenues "wou'd probably not have happen'd" had the measure passed in 1770. In the interim, circumstances had changed. Three days before the joint conference committee held its first meeting, Eden wrote to the upper house that "recollecting what passed at the last Session in respect of the Clergys dues, I think myself Obliged to inform you, that if a similar Regulation to what was then proposed should be Established . . . that it will not be in my Power to Assent to such a Regulation." This threat of a gubernatorial veto was the "Assurance" the upper house meant when it said the pending inspection bill would not pass unless the section dealing with the clergy was altered or deleted. "Unless this Difficulty can be Surmounted," the upper house asserted, consideration of other sections of the bill, including proprietary fees, would be pointless.<sup>60</sup> The effect of the explanation, which included the text of Eden's letter, was to brand the governor with a highly unpopular position and to create the suspicion that Lord Baltimore had ordered him not to interfere with claims to forty pounds per poll.<sup>61</sup>

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in the *Maryland Gazette*, Oct. 17, 1771, a succinct but probably unconvincing statement of why rectors' livings—their "absolute Freeholds"—should not be reduced, regardless of the act of 1702. Boucher arrogated large segments of this statement to his "On Reducing the Revenue of the Clergy" in *A View of the Causes and Consequences of the American Revolution; in Thirteen Discourses* (London, 1797), pp. 223–37.

57. *Archives of Maryland*, 63: 101, 106, 107–8.

58. *Ibid.*, 63: 145, 146, 153.

59. *Ibid.*, 63: 153–54.

60. *Ibid.*, 63: 46–47, 155.

61. Carroll of Annapolis to Carroll of Carrollton, Nov. 8, 1771, "Extracts from the Carroll Papers,"

Later in the session the upper house offered a plan for the gradual phasing out of poll tax inequities. The distinction between tobacco growers and nongrowers, and the rates each had paid under the lapsed inspection act, would be revived and retained in every parish until the incumbent died or resigned. Election to pay in tobacco or money would become effective with the appointment of a new parson. The House of Delegates refused to accede to a policy of gradualism when "the People groan under a heavy and unequal Burthen." Deadlocked over the clergy and the officers, the Assembly was prorogued November 30.<sup>62</sup>

The legislative impasse proved to be a major turning point on the issue of clerical revenues. After the Assembly disbanded in November 1771, it did not reconvene for a year and a half because of the death of Frederick, the last Lord Baltimore, and the time it took for a new commission to be granted in the name of Henry Harford, the illegitimate son. In the interim, the legality of the church establishment act, the only remaining statutory basis for the poll tax, was challenged in the newspapers, in public meetings, and in the courts. When the members of the House of Delegates finally reconvened in June of 1773, they had to hurry to bring their official pronouncements into line with events that had far outdistanced them.

Following the legislative session of 1771, clerical revenues continued in a state of flux, more or less at the discretion of individual taxpayers and ministers. Some rectors received thirty pounds of tobacco as they had done since 1747; others accepted 4/ or 5/ currency per poll.<sup>63</sup> Any taxpayer who tendered 5/ implicitly recognized the clergy's claims under the act of 1702, since 5/ was the currency equivalent of forty pounds of tobacco rated at 12/6 a hundredweight. Still other ministers pressed for forty pounds of tobacco, and supporting their position was a legal opinion written by none other than Samuel Chase, who, although he was the son of an Anglican rector, was also a leader of the anti-proprietary faction in the House of Delegates. Dated April 3, 1772, the statement informed John Barclay of St. Peter's Parish, Talbot County, that, as of the day the inspection law lapsed, he was entitled to forty pounds of tobacco per taxable. Should Barclay not receive that amount, his legal remedy was to sue the county sheriff responsible for collecting the tax. Perhaps Chase had underestimated popular resistance against paying forty pounds of tobacco per poll, for he soon began

14:136. The councilors possibly had a different reason for acquiescing in Eden's message. Some Marylanders believed that the upper house merely used church stipends to divert attention from proprietary fees, especially those charged by its own members who held lucrative government offices. This argument is not entirely convincing, for two reasons. The upper house had earlier agreed to allow tax payments of tobacco or money. Secondly, as some of the largest planters and slaveowners in the province, councilors had a vested financial interest in the equal assessment of all taxables. See "A Planter," *Maryland Gazette*, June 24, 1773; "An Elector," *ibid.*, Nov. 4, 1773; "A Voter" [Carroll of Carrollton], *Maryland Journal and Baltimore Advertiser*, Oct. 30-Nov. 6, 1773; Jonathan Boucher, *Reminiscences of an American Loyalist, 1738-1789* (reprint; Port Washington, N.Y., 1967), p. 69. 62. *Archives of Maryland*, 63: 49-50, 54, 57, 62-63, 65, 169, 188, 205, 237.

63. Account of William West with John Glassford & Co., Leonardtown Store, 1772-73; sheriff's account with Henry Hollyday, March 31, 1772, and sheriff's receipt to estate of Henrietta Maria Goldsborough, Aug. 18, 1772, Hollyday Papers; David Love to Sharpe, May 23, 1774, "Letters from the Reverend David Love to Horatio Sharpe, 1774-1779," ed. James High, *Historical Magazine of the Protestant Episcopal Church*, 19 (Dec. 1950): 362, hereafter cited as "Love-Sharpe Letters."

hedging when he told Barclay that the Talbot County sheriff was legally bound to collect forty pounds per poll *if* the statute of 1702 was valid.<sup>64</sup> Finally, in June of 1772, about 70 Baltimore County residents subscribed to an association to pay their ministers no more than 4/ currency, the amount approved in the House of Delegates, and they called upon other Marylanders to do the same. The elder Carroll reserved several hogsheads of trash tobacco in case rectors refused money.<sup>65</sup>

By now clergymen were unwilling to give even the impression of submitting meekly to these extralegal tamperings with their revenues. Every provincial sheriff was required to give bond and sureties for the faithful performance of his duties, including collecting the poll tax. Should the sheriff not carry out his assigned functions, the attorney general could bring suit on the bond.<sup>66</sup> In mid-July David Love of All Hallows Parish south of Annapolis initiated exactly what Chase originally had recommended in April. At Love's request, Attorney General Thomas Jenings brought suit in the Anne Arundel County Court against Sheriff John Clapham for failure to collect forty pounds of tobacco per poll under the act of 1702. Two suits were filed, one on Clapham's bond of 1771 and the other on the bond of 1772. Love was not the plaintiff. Each case bore the title *Lord Proprietary v. John Clapham*.<sup>67</sup>

That litigation sparked one on the longest, most vitriolic newspaper wars in the history of the colony. Although the diverse views and writings of many citizens found their way into print, this well-known war of letters is usually associated with the names of the Reverend Jonathan Boucher and, in opposition to the establishment act, three prominent members of the House of Delegates who later emerged as some of Maryland's best-known Revolutionary leaders: Thomas Johnson, William Paca, and the rather indecorous Chase. The arguments and rebuttals, the charges and countercharges, the insults and retorts that for months dominated the columns of the provincial press cannot be appreciated fully unless examined in conjunction with the progress of *Lord Proprietary v. Clapham*. Why the vital link between the litigation and the newspaper war has not previously

64. The first opinion was published in the *Maryland Gazette*, Sept. 3, 1772; the second, dated May 29, 1772, appeared the following Aug. 6 in *ibid.* See also a similar, undated opinion on the same subject, written by James Hollyday, a Talbot County attorney who was considered one of the foremost members of the bar (Hollyday Papers).

65. Carroll of Annapolis to Carroll of Carrollton, June 30, July 10, 1772, "Extracts from the Carroll Papers," 14: 275-76, 277-78.

66. Clinton A. Ellefson, "The County Courts and the Provincial Court in Maryland, 1733-1763" (Ph.D. diss., University of Maryland, 1963), pp. 186, 518.

67. This information is drawn from the Provincial Court Judgments, 1773-74, Liber D.D., No. 19, LXIII: 73, Maryland Hall of Records. A search of the incomplete Anne Arundel County Court records for the period has not uncovered any trace of the cases in the court of original jurisdiction. Anne Arundel County Judgments, Libers E.B.Y. (1770-72) and D.G., No. 1 (1772-73), Maryland Hall of Records. Clapham held several proprietary appointments and was president of the celebrated Homony Club of Annapolis. In the year following expiration of the inspection law, he was the only sheriff to advertise in the *Maryland Gazette* that he would receive 3/9 currency per head for the clergy. He continued to accept currency after the suits were filed. See Commission Book, 1726-86, fols. 176, 181, 186, Maryland Hall of Records; Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland*, pp. 165, 186; *Maryland Gazette*, Mar. 7, 1771; Gilmor Papers, 3: 12, 29, MS. 387.1, Maryland Historical Society; Carroll of Annapolis to Carroll of Carrollton, Sept. 6, 1772, "Extracts from the Carroll Papers," 14: 282.

been demonstrated is probably attributable to the nature of the cases—involving the Lord Proprietary and the sheriff, not an Anglican rector—and to the fact that, although the cases occasionally were mentioned in the press, their exact titles never were used.

A flurry of activity at popular meetings and in the press, whose pages had been silent for months on the subject of the poll tax, filled the four weeks between the time the cases were filed and then argued before the Anne Arundel County Court. A pseudonymous piece in the *Maryland Gazette* of July 30, noting that some attorneys said the church establishment act was null and void, invited “a full, frank, and explicit declaration of their sentiments” and asked especially for opinions from lawyer members of the House of Delegates.<sup>68</sup> The following week Chase’s second opinion, the one that hedged on the poll tax, turned up in print.<sup>69</sup> Asked to account for it, Chase told a crowd at Elkridge during the second week in August that the act of 1702 was invalid and that he never meant to imply the clergy was entitled to anything.<sup>70</sup> A member of the crown reported that the lawyers “who intend to plead for the People against the 40 per Poll, are determined to bring the Matter to Trial the very first Court.” Further, “they are resolved, as the Report goes every where, to dispatch it out of Hand.”<sup>71</sup>

In a province notorious for protracted litigation, the Anne Arundel County Court handled the two suits against Clapham with amazing dispatch. Unfortunately the official record has not survived, so that the arguments presented and the decision reached have been lost.<sup>72</sup> On August 13 and 15 both cases were appealed to the Provincial Court, the next echelon in the judiciary. At that stage the Lord Proprietary was represented by a formidable array of legal talent: Attorney General Jenings, James Hollyday, Thomas Stone, William Cooke, and George Chalmers.<sup>73</sup> Johnson and Paca served as Clapham’s attorneys. Conspicuously absent from the roster was the name of Chase, who probably presented

68. “Jack Frank,” *Maryland Gazette*, July 30, 1772.

69. *Ibid.*, Aug. 6, 1772.

70. “Old True-Penny,” *ibid.*, Aug. 20, 1772.

71. “A Freeholder, Elk-Ridge, Aug. 12, 1772,” *ibid.*, Aug. 27, 1772.

72. An opinion by James Hollyday, dated Aug. 1, 1772, may be part of the prosecution papers. He argued that English statute continued the commissions of all civil and military officials, including those in the colonies, beyond the death of William III and that, therefore, the commission of the Maryland governor remained in force, the Assembly was not dissolved, and the church establishment act was valid. This opinion, and Daniel Dulany’s undated statement that principles of common law were sufficient to validate the act of 1702, are printed in George Chalmers, *Opinions of Eminent Lawyers on Various Points of English Jurisprudence, Chiefly Concerning the Colonies, Fisheries, and Commerce of Great Britain*, 2 vols. (London, 1814), 1: 303–28. The principal defense arguments may be contained in a long challenge to the act, dated Aug. 15 and subsequently published in the *Maryland Gazette*, Sept. 10, 1772, over William Paca’s signature. See note 76 *infra*.

73. Provincial Court Judgments, 1773–74, Liber D.D., No. 19, LXIII: 73. On Jenings, see Owings, *His Lordship’s Patronage: Offices of Profit in Colonial Maryland*, p. 134. On Hollyday, see Bordley, *The Hollyday and Related Families of the Eastern Shore of Maryland*, pp. 73–105. On Stone, see Jean H. Vivian, “Thomas Stone and the Reorganization of the Maryland Council of Safety, 1776,” *Maryland Historical Magazine*, 69 (Fall 1974): 271–78. On Cooke, see E. Alfred Jones, *American Members of the Inns of Court* (London, 1924), pp. 51–52; Carroll T. Bond, *The Court of Appeals of Maryland. A History* (Baltimore, 1928), pp. 48, 65–66, 79. On Chalmers, see his memorial to the Commission of Enquiry into the Losses and Services of the American Loyalists, Oct. 14, 1783, American Loyalist Transcripts, 35: 5–42, New York Public Library, New York City; Cockcroft, *The Public Life of George Chalmers*.

defense arguments before the county court but whose equivocal opinions for Barclay soon were fully exposed to public view.<sup>74</sup>

Whereas Johnson and Paca reportedly had pushed for a prompt decision in the county court, they abruptly shifted tactics when the Clapham cases were appealed. To them, the appeal must have been a discouraging development, for the Provincial Court judges all held other high government positions and were thought to be much influenced by proprietary viewpoints. Three justices were also members of the upper house of Assembly and, in that capacity, already had acquiesced in the governor's threat to veto reduced Anglican levies.<sup>75</sup> In a move that, to say the least, was rare for any attorney involved in pending litigation, Paca published a lengthy argument against the act of 1702, an argument casting in legalistic phrases the oft-repeated allegations that the death of King William III had nullified the act. It was an argument that his own legislative voting record seemed to belie.<sup>76</sup>

There the matter stood until Boucher exposed the Achilles heel. As vestrymen of St. Anne's Parish in Annapolis, Paca and Chase voted in November 1772 to assess parish taxables for needed church repairs.<sup>77</sup> Boucher seized upon their action and questioned the vestry's right to function if, as Chase and Paca

74. Chase's first opinion, which had declared that rectors were entitled to the poll tax contained in the establishment act, was published in the *Maryland Gazette*, Sept. 3, 1772. "Let the Author of it attempt again, if he can, to reconcile his political Character with that of his Profession," chortled "A Countryman." "Surely, we shall not hear of his *haranguing* again, on the Occasion." The legal careers of Johnson and Paca are treated superficially in Delaplaine, *The Life of Thomas Johnson*, and Albert Silverman, "William Paca, Signer, Jurist," *Maryland Historical Magazine*, 37 (March 1942): 1-25. Far more detailed is Neil E. Strawser, "The Early Life of Samuel Chase" (M.A. thesis, George Washington University, 1958). Chase did join Johnson and Paca in two analogous cases appealed from the September 1772 term of the Cecil County Court, in which Jenings, Hollyday, Stone, Cooke, and Chalmers also represented the Lord Proprietary, but the suits abated when the rector involved, John Hamilton of St. Mary Anne Parish, died (*Lordship v. John McCay* and *Lordship v. Jeremiah Baker*, Provincial Court Judgments, 1773-74, Liber D.D., No. 19, LXIII: 43-44).

75. Chief Justice William Hayward and Justices Daniel of St. Thomas Jenifer and John Beale Bordley were councilors. *Ibid.*, Liber D.D., No. 19, LXIII: 1. Offices held by Provincial Court justices are listed in Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland*, pp. 153, 162, 168, 177, 183.

76. The Paca opinion, which may well have been part of the defense brief in the Clapham cases, was dated Aug. 15, during the Anne Arundel County Court session. On Sept. 5, two days after appearance of the attack on Chase, Paca sent the piece to the *Maryland Gazette*, where it was printed Sept. 10, 1772. He contended that although succeeding Assemblies "presumed an Existence of the Act of 1701-2" and recognized it in later legislation, "that such *Recognition* can, upon any legal Principle of Construction, amount to a *Confirmation*, I must take the Liberty to deny." "My Opinion, then, is, that, Upon the Demise of King William, the Assembly of this Province was dissolved: That the Assembly, which afterwards met and enacted the contested Forty per Poll Law, being called without a fresh *Writ of Summons*, was *illegally* and *unconstitutionally* convened: That, therefore, no Obligation can result from the said Forty per Poll Act as a Law." As has been shown, this argument began circulating in Maryland no later than July 1770 (see note 49 *supra*). Yet a roll call vote recorded during the October 1771 session of Assembly clearly reveals that, as legislators, neither Paca nor Johnson accepted the argument, for both voted to pass "An Additional Supplementary Act to the Act entitled An Act for the Establishment of Religious Worship in this Province according to the Church of England and for the Maintenance of Ministers" (*Archives of Maryland*, 63: 183-84, 290-93). Before publishing the opinion Paca consulted with Johnson and Robert Goldsborough, a former member of the House of Delegates who had a reputation as an anti-proprietary man (Carroll of Annapolis to Carroll of Carrollton, Sept. 22, 1772, "Extracts from the Carroll Papers," 14: 288; *Maryland Gazette*, Feb. 25, 1773).

77. St. Anne's Parish, Annapolis, Vestry Records, 1767-1818, fol. 68, Maryland Hall of Records.

maintained, the establishment law had no force. Vestries, too, trace their origin to the act of 1702.<sup>78</sup> Chase and Paca replied with a clever, irrelevant, and diverting denunciation of Boucher for his advocacy of an Anglican bishopric for America, a cause widely known to have almost no viable support in Maryland except among a decided clerical minority.<sup>79</sup> As to the legitimacy of their actions as vestrymen, the two lawyers, who were hard pressed to refute Boucher without reference to the statute of 1702, fell back on common law and ancient custom, a position that proved less than convincing and that evoked a published rebuttal from a prosecution attorney in the Clapham cases.<sup>80</sup> To Chase and Paca's assertion that the tax of forty pounds per poll was "illegal, arbitrary and oppressive"—the same words the House of Delegates applied to Eden's fee proclamation—and that lawyers had spoken out only after ministers had demanded the tax or instituted court action, Boucher retorted that the clergy had been remarkably temperate in insisting upon their legal rights. He also alleged that, in all of Maryland, only four members of the bar, including Paca and Chase, of course, denied the act of 1702. "When the present political frenzies are over," Boucher predicted, "your opinions and your projects will appear, as they are, the misshapen offspring of political perplexity and distress—the creatures of a day." Boucher then alluded to the Clapham cases and contended that the sheriff and the clergy "are willing, that these suits should come to immediate trial: whether they shall, or not, it seems, rests entirely with you. If, then, you really be the patriots you wish to be thought, approve yourselves such, by concurring in the necessary measures to obtain a speedy, and a *decisive* determination of this unhappy dispute."<sup>81</sup>

Paca and Chase responded with what appears to have been a deliberate attempt to avoid, not advance, the litigation in the Provincial Court. They first informed Boucher that their attendance at forthcoming county court sessions would interrupt the newspaper debate but that, within two weeks, they expected to furnish "ample compensation for their delay."<sup>82</sup> Then they departed for Charles County on the lower Western Shore where, during the last week of February 1773, the case of *Harrison v. Lee* afforded an entirely different opportunity to test the establishment act. Hardly the judicial confrontation the clergy envisioned, the case may have been contrived, for *Harrison v. Lee* was a criminal suit brought by a member of the House of Delegates against the county

78. *Maryland Gazette*, Dec. 31, 1772; *Archives of Maryland*, 24: 267–72. A perceptive treatment of Boucher is in Anne Young Zimmer and Alfred H. Kelly, "Jonathan Boucher: Constitutional Conservative," *Journal of American History*, 58 (March 1972): 897–922. See also the article by Zimmer, "The 'Paper War' in Maryland, 1772–73," in this issue of the *Maryland Historical Magazine*.

79. *Maryland Gazette*, Jan. 14, 1773; Eddis, *Letters from America*, p. 28; John Gordon to Daniel Dulany, Oct. 11, 1770, Dulany Papers; Boucher to James, April 4, 1771, "Letters of Rev. Jonathan Boucher," 8: 177; *Archives of Maryland*, 32: 384–85.

80. *Maryland Gazette*, Jan. 14, 1773. Attorney General Jenings wrote, in the issue of Feb. 11, that "custom and usage cannot be deemed inefficacious when applied in support of the rights of Government and the Clergy, and of indubitable authority if they tend to the destruction of either." See also "Freeholders of St. Anne's [Parish]," *ibid.*, Jan. 28, 1773.

81. *Ibid.*, Jan. 14, Feb. 4, March 4, 1773.

82. *Ibid.*, Feb. 25, 1773.



sheriff, whose father happened to be the president of the governor's Council, and whose brother was a justice of the Provincial Court.

Joseph Hanson Harrison, a landed planter, had been a judge of the Charles County Court since 1759 and a member of the House of Delegates since 1768. During the Assembly sessions of 1770 and 1771 he clearly championed anti-proprietary views. He voted against the position that Eden and the upper house took with regard to officers' fees, and in favor of a tax on tobacco for retaining a provincial agent in London. He also supported, without exception, the lowest amount of clerical salaries upon which the House of Delegates voted.<sup>83</sup> Harrison was a likely candidate to challenge the poll tax in the courts.

The defendant, Sheriff Richard Lee, Jr., enjoyed all the advantages that family and wealth could bestow in colonial Maryland. His father and older brother, Provincial Court Justice Philip Thomas Lee, had studied law at the Middle Temple, and the Lees of Maryland had influential relatives in England. Richard Lee, Sr., had been a member of the governor's Council for twenty-eight years and was its senior member when his son was brought to trial in 1773.<sup>84</sup>

Richard Lee, Jr., had been groomed to benefit from his father's fortune and preferment. In 1768 Governor Sharpe named him sheriff, probably the most lucrative local office in Maryland. A year later Lee's alleged mistreatment of prisoners and neglect of duty induced the House of Delegates to take the unusual step of requesting his dismissal. Governor Eden referred the request to the Council, which, while not exonerating Lee, found insufficient evidence to justify his removal. Neither the sheriff nor members of the lower house of Assembly were likely to forget the incident.<sup>85</sup>

After the inspection law expired in October of 1770, Lee went to Harrison's home and arrested him for not paying forty pounds of tobacco per poll for that year. Following some discussion, Harrison relented and paid the tax, thereby escaping incarceration. But he then brought charges of assault and battery and false imprisonment against the sheriff and asked £60 sterling in damages. When the case came before a twelve-man jury in February 1773, counsel for Lee were Stone and Cooke, both of whom were also the Lord Proprietary's attorneys in the Clapham cases, and John Rogers. Chase, Thomas Johnson, and his brother Baker Johnson represented Harrison.<sup>86</sup> Then at the last moment Paca arrived on

83. *Ibid.*, Jan. 7, 1768; Charles County Debt Book, 1773, fol. 35, Maryland Hall of Records; Commission Book, 1726-86, fol. 136; *Archives of Maryland*, 62: 233, 390-91, 399, and 63: 108, 114-15, 146-47, 154, 183, 190.

84. Ethel R. Hayden, "The Lees of Blenheim," *Maryland Historical Magazine*, 37 (June 1942): 199-205; *Archives of Maryland*, 25: 452, and 28: 346; Jones, *American Members of the Inns of Court*, p. 126; Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland*, p. 161; Audit Office Papers, 13/40:109, Public Record Office, London, hereafter cited as A.O.

85. Memorial of Richard Lee, Jr., 1784, A.O. 13/91:111-12; Commission Book, 1726-86, fols. 168-69; *Archives of Maryland*, 32: 336-44, 345, 351-60, 362-65, 367-68, and 62: 45-46, 48-49, 51, 67-68, 73-74, 86-89, 91. Lee did not contest a charge of beating a prisoner and was fined by the Charles County Court in June 1769 (*ibid.*, 32: 341-42).

86. The case was heard during the adjourned November 1772 court session, which was held during February 1773. On Rogers, see Charles County Court Records, Libers T, No.3 (1770-72), U, No. 3 (1772-73), and W, No. 3 (1773-74), *passim*, Maryland Hall of Records; Scharf, *History of Maryland*, 2: 166, 270, 287, 560; Effie G. Bowie, *Across the Years in Prince George's County* (Richmond, Va., 1947), p. 157. On Baker Johnson, see the *Maryland Gazette*, June 30, Nov. 24, 1774; Delaplaine, *The Life of Thomas Johnson*, p. 15; Scharf, *History of Maryland*, 2: 175, 191.



the scene to lend his fellow legislators some unexpected legal assistance.<sup>87</sup> Neither Chase nor Paca regularly practiced in Charles County, so they had to qualify as attorneys of the court before the trial could begin.<sup>88</sup>

Lee, pleading not guilty to the criminal charges, invoked the church establishment act to justify his arrest of Harrison.<sup>89</sup> Had the court allowed that justification, it would have been forced to rule on the statute's validity. Instead, the justices avoided the question and ordered the jury to consider only the facts of the case, not whether or not the sheriff had acted legally. The fact was that Lee had arrested, but not jailed, Harrison; no one denied it. Even though Stone, Rogers, and Cooke "urged every favourable circumstance, in mitigation of damages," they could not "nor did they attempt a justification before the jury" based on the 1702 statute. With the question of the legality of the sheriff's actions in abeyance, the jury found Lee guilty as charged and awarded Harrison the requested damages. Counsel for Lee immediately submitted a demurrer, and an agreement was reached at the bar to continue the case from session to session "until a final Determination and Judgment be given in the provincial Court . . . in actions Similar to this." If the act of 1702 was upheld, then Harrison was to enter a non-suit. If the Provincial Court declared the law invalid or determined that the clergy could not collect forty pounds per poll for the year in which the inspection law expired, then judgment was to be rendered on the verdict.<sup>90</sup>

If the outcome of the trial proved disappointing to opponents of the Anglican tax, perhaps the jury's verdict could be put to good use. A "Correspondent" who may well have been either Paca or Chase dashed off the following account for readers of the *Gazette*: "such was the Idea which the Jury entertained of the Liberty of the Subject, that they looked upon the Sheriff's Arrest . . . of the Plaintiff for the offensive and illegal Demand of the *Forty per Poll* as an Offence of the First Magnitude against the Rights of Englishmen."<sup>91</sup> A week later Paca boasted that he had "in some measure contributed to stop the career for the *forty per poll*."<sup>92</sup>

The boast proved premature because at the same time a more detailed, more accurate version of the Charles County trial appeared in print. After discussing the demurrer and the agreement to await a Provincial Court judgment on the act of 1702, the writer emphasized that "whether the 40 per poll act be in force, or not, is not only not determined, but is not, in any manner, affected by the verdict."<sup>93</sup> Boucher was quick to point out the hollowness of Paca's claim and berated him for his "sudden and unexpected attendance on this trial" and for

87. Boucher pointed this out to the public, and Paca did not deny that his entry came at the eleventh hour (*Maryland Gazette*, March 18, 1773).

88. Charles County Court Records, Liber U, No. 3 (1772-73), fol. 161.

89. The official court record of the case is incomplete. Details of the actual courtroom proceedings are given in the *Maryland Gazette*, March 4 and 11, 1773.

90. Charles County Court Records, Liber U, No. 3 (1772-73), fol. 161.

91. *Maryland Gazette*, March 4, 1773. The same account appeared in the *Pennsylvania Chronicle, and Universal Advertiser*, March 8-15, 1773.

92. *Maryland Gazette*, Mar. 11, 1773.

93. *Ibid.* Inexplicably, authors who have written of *Harrison v. Lee* seem unaware of the second account of the trial. See Scharf, *History of Maryland*, 2: 127n; Barker, *The Background of the Revolution in Maryland*, p. 363; Strawser, "The Early Life of Samuel Chase," p. 247; Gerald E. Hartdagen, "The Vestry as a Unit of Local Government in Colonial Maryland," *Maryland*

fostering a biased version of the case. The public was asked to judge whether "the fathering a presumption of the act's being *oppressive* and *illegal*, on the jurymen, whom it did not concern to consider it in their verdict, be not, unwarrantably, in some measure to *prejudge* a cause now depending in the provincial court."<sup>94</sup>

Once the inconclusiveness of the Harrison-Lee trial became known, Paca and Chase avoided mentioning it in later exchanges with Boucher and were the first to hint that the Assembly might soon regulate clerical salaries.<sup>95</sup> Any subsequent judicial decision on the establishment act, and its poll tax, would thereby become superfluous. An Eastern Shore clergyman intimated Paca was determined to postpone the decision in the Provincial Court until after the Assembly met. "Why all this fear of a trial?" he wanted to know. If Paca resisted a prompt determination at the April session of the court, the rector forecast, "your swaggering confidence will impose on us no more."<sup>96</sup> A traveler from New England who happened to be in Annapolis that April noted in his diary, "The clergy and people of this province are engaged in a very bitter and important contest; and if we may judge by their public papers 'tis like to prove a very wordy war." For two days he attended the Provincial Court but was disappointed to find only routine business transacted. According to the docket, Paca and Johnson had yet to file any papers on behalf of Clapham.<sup>97</sup>

A time of heightened clamor over clerical revenues, officers' fees, and the defunct tobacco inspection law was scarcely ideal for issuing writs of election for a new Assembly, but Eden was obliged to do so in late April when he received his commission under Harford. Concentrating not on the poll tax issue but on Eden's fee proclamation,<sup>98</sup> Paca handily won re-election to the House of Delegates from Annapolis, and Chase and Johnson were returned from Anne Arundel County. The victory that eluded them in the press and in the courts was achieved at the hustings. Yet it may not be without import that their client and fellow delegate, Harrison, was not re-elected.<sup>99</sup> The jury may have been convinced, as was claimed, that *Harrison v. Lee* involved an offense against the rights of Englishmen, but that conviction was not reaffirmed in the election.

When the legislature met in June 1773, the House of Delegates caught up with the publicists and the taxpayers. Ignoring the pending litigation, the lower house unanimously resolved that the statute of 1702 "was not enacted by legal and

*Historical Magazine*, 67 (Winter 1972): 386; Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland*, p. 119.

94. *Maryland Gazette*, March 18, 1773.

95. *Ibid.*, March 18 and 25, 1773. Paca was also the one who proposed ending the newspaper debate with Boucher (*ibid.*, April 8, 1773).

96. *Ibid.*, April 1, 1773.

97. Entries for April 19-22 in "Journal of Josiah Quincy, Junior, 1773," *Proceedings of the Massachusetts Historical Society*, 49 (1915-16): 468, 470; Provincial Court Judgments, 1773-74, Liber D.D., No. 19, LXIII: 1-12, 73.

98. Chase to Ridgely, May 26, 1773, Ridgely Papers. Two months after the Carroll-Dulany exchanges ended, Chase, Paca, and Johnson published a lengthy opinion on the fee proclamation (*Maryland Gazette*, Sept. 9, 1773).

99. *Ibid.*, April 29, May 20 and 27, June 3, 1773. Harrison returned to political prominence during the crisis over the Boston Port Act, while Sheriff Lee sailed for England in 1775 (*Ibid.*, June 16, Nov. 24, 1774; A.O. 12/103:95; A.O. 13/91:111-12).

Constitutional Authority, and is therefore void." The house then passed its own bill to establish the Church of England in Maryland. For the first time the delegates abandoned the poll tax and in its place voted each rector a parish glebe and an annual stipend of 32,000 pounds of tobacco payable at 12/6 per hundredweight, which amounted to £200 currency. The entire bill passed overwhelmingly on a 39-6 vote, although on the single question of uniform salaries, the division was much closer: 26 in favor versus 23 opposed.<sup>100</sup> Members of the upper house, rejecting the bill on the first reading, contended that new establishment legislation was unnecessary because the act of 1702 was still in force; furthermore, any equalization of church salaries would eliminate incentive among ministers and impose unequal taxes on the people because of varying parish populations. Before the delegates had time to reply, the Assembly was prorogued.<sup>101</sup>

Throughout the summer and early autumn, the sagging tobacco trade brought mounting pressure for renewal of public tobacco inspection. There were also increasing hints that the Provincial Court definitely was not the forum where the fate of the clerical poll tax should be determined.<sup>102</sup> During October the two houses of Assembly again were unable to reconcile their differences over Anglican livings. The upper house still insisted the poll tax ought to be included in any inspection law at the old, inequitable rate distinctions between tobacco planters and other taxpayers. Only when the incumbent in each parish moved or died was the house willing to allow a currency option for everyone.<sup>103</sup>

At that point members of the House of Delegates took the unprecedented step of adjourning themselves "to consult their Constituents on the present distressed Circumstances of the Province."<sup>104</sup> Popular meetings hastily organized in the counties then drew up instructions urging the lower house to delay all legislative business until passage of an inspection act.<sup>105</sup> Apparently the meetings exerted the desired pressure, because the reconvened upper house on November 25 abruptly reversed itself and offered to approve a separate inspection bill. It also urged enactment of its proposal for the gradual phasing out of poll tax inequities, legislation it said would protect all taxpayers from having to pay forty pounds of tobacco per head if the Provincial Court upheld the act of 1702. And the upper house warned that the delegates' earlier resolution on the nullity of the statute could have no bearing on a revenue bill for the clergy. The separate inspection

100. *Archives of Maryland*, 63: 347, 359, 365-66. Johnson, Chase, and Paca voted against the equalized salaries; the latter two chose not to vote on the entire establishment bill, while Johnson supported it (*ibid.*, 63: 365-66).

101. *Ibid.*, 63: 323-34, 370-71, 386, 390. The text of the establishment bill has not survived. John Hall, a delegate from Anne Arundel County, later discussed the legislation and claimed that parish lines were to be redrawn to equalize population within three years, during which time a currency poll tax would have been in effect (*Maryland Gazette*, Oct. 7, 1773).

102. "An Consistent Protestant," *ibid.*, Aug. 19, 1773; "Solon," *ibid.*, Oct. 7, 1773; "Lycurgus," *ibid.*, Oct. 28, 1773.

103. *Archives of Maryland*, 64: 12-13.

104. *Ibid.*, 64: 38.

105. "A Voter" [Carroll of Carrollton], *Maryland Journal and Baltimore Advertiser*, Oct. 30-Nov. 6, 1773; "An Elector," *Maryland Gazette*, Nov. 4, 1773; Carroll of Annapolis to Carroll of Carrollton, Nov. 12 and 18, 1773, "Extracts from the Carroll Papers," 15: 286-88.

bill passed immediately, but the lower house was not inclined even temporarily to revive the tax inequities.<sup>106</sup>

A few days later Eden sent the lower house a letter from fifteen Anglican ministers who volunteered "to relinquish some of our undoubted Rights" and who suggested three possible plans of clerical support in excess of anything the lower house had been willing to consider for several years. Should their alternatives not prove acceptable, the rectors stated, "our Resolution is to abide, without Deviation, by the Act of 1701-2; the Validity whereof, we hope will soon be established by a solemn legal Decision." The delegates, only one man dissenting, responded with another resolution declaring the act of 1702 unconstitutional and void. They also rejected the salary proposals.<sup>107</sup>

Shortly thereafter the delegates adopted yet another bill, which abandoned the idea of fixed, uniform clerical salaries and reinstated the poll tax they had approved in 1770 and 1771: thirty pounds of tobacco or four shillings common currency, at the discretion of the taxpayer. For the second time in less than a month, members of the upper house on December 21 suddenly reversed themselves, this time in favor of Anglican livings they had rejected since 1771. Eden promptly reneged on his promised veto and signed the act. As an obvious concession from the House of Delegates, a concession without which the measure surely would have failed, the law read that in view of the "Diversity of Opinion" between the branches of the legislature, nothing in it should be construed to affect the validity of the act of 1702.<sup>108</sup>

The official Assembly proceedings and Eden's extant correspondence are mute as to why the governor and upper house so suddenly decided to assent to clerical taxes they had rejected for two long years. Private letters show that while the bill was pending, at least two ministers, including the initiator of the Clapham suits, repeatedly urged several councilors to "restore peace to the Province" by passing the measure.<sup>109</sup> Years later, Boucher wrote that Eden, "beset and worried by his Council to give us up for the sake of peace as it was called, in an evil hour passed the law."<sup>110</sup> But if the uncompromising cleric described what happened behind the closed doors of the upper house in December 1773, he certainly did not explain why it happened. Answers to this question must be sought elsewhere.

The status of the tobacco trade is a logical place to begin, since rising prices provoked the first attempts to alter Anglican livings by extending a currency option to all taxpayers. In 1771, when leaf commanded the highest prices on record in Maryland, rectors had a large financial stake in insisting upon tobacco from planters. When the clerical revenue act finally passed, however, the commodity market was in the depths of a depression, and prices had plummeted.<sup>111</sup> As prosperity in the tobacco trade vanished, so did the gross inequity between payments in leaf or currency.

106. *Archives of Maryland*, 64: 45-46, 48, 96-97.

107. *Ibid.*, 64: 119-20, 130.

108. *Ibid.*, 64: 77, 81, 132, 134, 139, 254-56.

109. Love to Sharpe, May 23 and 25, 1774, "Love-Sharpe Letters," pp. 361, 363.

110. *Reminiscences of an American Loyalist, 1738-1789*, p. 71. Cf. Boucher, *A View of the Causes and Consequences of the American Revolution*; in *Thirteen Discourses*, pp. 239-40.

111. See sources cited in notes 11, 38, and 39 *supra*.

Secondly, the longer the Assembly remained deadlocked over stipends, the more income the clergy stood to lose, no matter how valid their claims to forty pounds of tobacco per taxable might finally be adjudged. Without question, many Maryland residents accepted the arguments of Paca, Johnson, Chase, and others, and finally of the House of Delegates itself, and either reduced or eliminated their clerical support between 1770 and 1773. Quaker records for the latter year speak of the establishment act "being called in Question by the Inhabitants of this Province, many of whom . . . refuse to comply therewith."<sup>112</sup> In October an Anglican minister bemoaned the popular tide running "against the claims of the clergy," while a short time later Charles Carroll of Carrollton, in a pseudonymous piece, contended, "The people's fears indeed are much subsided; the claim to the 40 per poll is not now so great a bug bear."<sup>113</sup> While the act of 1702 remained in litigation, the clergy's plight was likely to continue and perhaps worsen.

How much Anglican livings declined over the three-year period will never be known. Surviving documents suggest considerable variation from parish to parish. Boucher lamented in November 1773 that he had not received a penny for two years, and he later wrote that none of his colleagues who "stood out" in claiming forty pounds per poll collected their salaries.<sup>114</sup> Rectors in parishes where planters insisted upon remitting currency rather than tobacco undoubtedly sustained heavy losses while the commodity price held high. On the other hand, the accounts of William West of St. Andrew's Parish, St. Mary's County, reveal that the sheriff continued to assess and collect tobacco at thirty pounds after the inspection law died in 1770. Until at least mid-1772, West received nearly as much tobacco as in previous years.<sup>115</sup>

Most ministers, even those not conspicuous for demanding forty pounds per poll, nevertheless incurred reverses once litigation began, and the debate over the act of 1702 occupied column upon column of print. And in these losses some local proprietary appointees had a hand. Names of taxpayers who had paid David Love in 1771 and 1772 suddenly turned up on the sheriff's list of insolvents the following year. Although Love was certain the men could afford to pay, he had no recourse because the justices of the county court accepted the list.<sup>116</sup> When the

112. Friends Meeting at West River, May 27-June 2, 1773, to the Yearly Meeting of Friends in London, Epistles Received, London Yearly Meeting, 4: 354, Library of the Religious Society of Friends, Friends House, London.

113. *Maryland Gazette*, Oct. 21, 1773; "A Voter," *Maryland Journal and Baltimore Advertiser*, Oct. 30-Nov. 6, 1773.

114. Boucher to James, Nov. 16, 1773, "Letters of Rev. Jonathan Boucher," 8: 183; *Reminiscences of an American Loyalist, 1738-1789*, p. 71. Attorneys for the clergy also suffered loss of income. Shortly after the *Harrison v. Lee* trial, Boucher accused Paca of endeavoring "to render unpopular the gentlemen, who have undertaken the cause of the clergy." Stone, one of the lawyers for Lee and the Lord Proprietary, was "very unexpectedly disappointed" in collecting his legal fees. *Maryland Gazette*, Mar. 18, 1773; Stone to unknown correspondent, Feb. 2, 1774, *Autograph Letters and Autographs of the Signers of the Declaration of Independence in the Possession of George C. Thomas* (Philadelphia, 1908), n.p.

115. Sheriff's accounts for St. Andrew's Parish, St. Mary's County, 1770 and 1771; West's account with John Glassford & Co., Leonardtown Store, 1772-73.

116. Love to Sharpe, May 23, 1774, "Love-Sharpe Letters," p. 362. See also the memorandum on insolvencies from West to John Barnes [1772] (Maryland Diocesan Archives).

sheriff of Prince George's County advertised the dates and places he would be available to collect taxes in 1773, he did not mention those for the clergy.<sup>117</sup> Further evidence comes from Quaker documents. Because, in keeping with their religious scruples, many Friends in Maryland perennially refused to pay the poll tax, county sheriffs were free to attach their property to satisfy the assessment. Notice of these "Sufferings of divers friends for Priests demands" were forwarded from the subordinate congregations to the general Half-Yearly Meetings. As late as October 1771 the minutes of the Half-Yearly Meeting refer to the collection of "Priests demands."<sup>118</sup> In May 1773, however, the minutes state that although Quakers continued to adhere to "our antient Testimony against supporting an hireling ministry . . . we have had no account of any Suffering for some time pas't."<sup>119</sup> Relief could have come only from the neglect of sheriffs to seize Quaker property.

Such behavior by local officials, together with the depressed tobacco trade and with individual efforts to reduce or eliminate church stipends, must have influenced the clergy, the upper house of Assembly, and Eden to consent to something less than forty pounds per poll in December 1773, even though all three continued to hope for a favorable judgment in the Provincial Court. But if they were willing to *agree* to the revenue bill, were they also willing to *accept* it? The governor and some ministers apparently were not. About five months after the bill passed, in May 1774, Eden was preparing to return to England on personal business when he let it be known that he had received communications from Lord Dartmouth and the Bishop of London. Upon their advice, Eden asked that the Anglican clergy of Maryland come forth with an address thanking him for his services to them, "vindicating" his motives for approving the bill, and "reminding him of a promise to use his influence for procuring a repeal." Love refused, not only because he and many colleagues were satisfied with or at least were resigned to the law, but also "because reminding the Governor of such a promise seemed indecent, as it was in effect leading him into this dilemma, whether to break his engagement to us, or to appear as if he had given his Assent to the Law only that he might have an opportunity of applying for a repeal." To Love's surprise, when he offered to draft a different address, one thanking Eden for the regard he had shown for the peace and welfare of the province and the clergy by assenting to the act, he was informed that the governor "disapproved of any Address which should not particularly desire a repeal."<sup>120</sup>

There is the very real possibility, then, that when Eden signed the Anglican revenue bill, or within a few months thereafter, he regarded it as nothing more than a temporary expedient. So long as the law was in force, it insured the clergy

117. *Maryland Gazette*, March 25, 1773. After the revenue act of December 1773 passed, sheriffs once again advertised they would collect "clergy's dues" (*ibid.*, April 7 and 28, 1774, April 13, 1775).

118. Minutes of the Half-Yearly Meeting at West River, June 2, 1770, and minutes of the Half-Yearly Meeting at Third Haven, Oct. 19, 1771, in *Baltimore Yearly Meeting Minutes, 1765-89*, fols. 41, 53, Friends Historical Library of Swarthmore College, Swarthmore, Pa.

119. Minutes of the Half-Yearly Meeting at West River, May 29, 1773, *ibid.*, fols. 61-62; see also Friends Meeting at West River, May 27-June 2, 1773, to the Yearly Meeting of Friends in London, *Epistles Received, London Yearly Meeting*, 4: 354.

120. Love to Sharpe, May 25, 1774, "Love-Sharpe Letters," p. 363.

against the financial losses they had sustained before December 1773. In the time Eden could twice cross the Atlantic and return to America with a proprietary disallowance of the law, the Provincial Court would have had ample opportunity to rule on the establishment act. If the decision was as favorable as supporters of the clergy expected, their title to forty pounds of tobacco per poll would be clear. From this perspective, the generally accepted view that the clerical revenue act of 1773 was "a victory for the delegates over the proprietor" needs to be qualified.<sup>121</sup>

Although Love had urged passage of the law, was satisfied with the financial settlement, and opposed Eden's attempt to gain clerical backing for a proprietary disallowance, he refused to allow the litigation against Clapham to be dropped. After the validity of the statute of 1702 was questioned, Love wrote, "it ought to be judicially established," and "I think it scandalous that two or three men should claim an authority to declare when a Law shall be in force." He was sure not even the king would arrogate that right.<sup>122</sup>

The *Lord Proprietary v. Clapham* cases were continued from session to session until the spring of 1775, but time already had run out for the clergy. The course of events, not the Provincial Court, determined the outcome. Between May 1774, when word of the Boston Port Act reached American shores, and April 1775, proprietary authority crumbled and the extralegal Provincial Convention filled the void. Scheduled for trial during the spring of 1775, the Clapham cases were struck off the docket because, according to a bitter Jonathan Boucher, the Lord Proprietary's attorneys refused to present arguments on behalf of the act, "Alledging that it was *unpopular*, and that they wou'd not incur the popular Odium."<sup>123</sup> The Revolution completed the clergy's harvest of bitter fruit, for the Maryland Declaration of Rights, adopted in 1776, abolished poll taxes and disestablished the Church of England.<sup>124</sup>

In any tracing of the steps that culminated in the War for American Independence, events in Maryland are overshadowed by those in other colonies. The proprietary charter and government of the province had tended to insulate it from a long history of abrasive relations with imperial customs officials, the military, or other manifestations of British power. The great struggles in the

121. Jackson T. Main, *The Upper House in Revolutionary America, 1763-1788* (Madison, Wisc., 1967), p. 257. See also Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland*, p. 119; Haw, "Maryland Politics on the Eve of Revolution," pp. 127-28. Boucher's oft-quoted statement that the revenue act of 1773 represented "extreme mortification" for the Anglican clergy should be tempered with Love's estimate that "I suppose about half of the Clergy gains by this new regulation, the rest of us will be considerable losers" (Boucher to William Smith, Feb. 14, 1774, "Letters of Rev. Jonathan Boucher," 8: 235; Love to Sharpe, May 23, 1774, "Love-Sharpe Letters," p. 361. Cf. "A conjectural estimate of the amount of the annual Incomes of all the Church Livings in Maryland, as they now are and as they were before the passing of the late Law" [1775], *Historical Collections*, 4: 343-44).

122. Love to Sharpe, May 23, 1774, "Love-Sharpe Letters," p. 362. Cf. Love's memorial to the Commission of Enquiry into the Losses and Services of the American Loyalists, Feb. 10, 1784, *American Loyalist Transcripts*, 36: 111.

123. Provincial Court Judgments, 1774-76, *Liber D.D.*, No. 20, LXIII-a: 64; Boucher to Smith, May 4, 1775, "Letters of Rev. Jonathan Boucher," 8: 238.

124. *Proceedings of the Conventions of the Province of Maryland, Held at the City of Annapolis in 1774, 1775, and 1776* (Baltimore, 1836), pp. 222, 233, 297, 300, 307, 314.



colonial Assembly had concerned proprietary, not royal, prerogative. So preoccupied were Marylanders with their immediate, internal problems from 1770 to 1773 that they gave scant notice to tensions mounting beyond their borders.

Although concerned with local, not imperial, taxation, the controversy over Maryland's clerical poll tax had far-reaching consequences. When the upper house of Assembly followed Eden's lead and refused to abolish admitted tax inequities or to separate clerical levies from the tobacco inspection bill, the proprietary branch of government contributed to the growth of extralegal means of dealing with Anglican salaries and to the near unanimity with which the House of Delegates twice resolved that the act of 1702 was unconstitutional and void. Furthermore, every taxpayer in the colony had to contemplate and decide whether he would disregard a statute that had been on the books almost seventy years before being challenged, or whether he would abide by it so long as the matter was before the courts. The ramifications for the traditionally deferential society of Maryland are obvious.

The rhetoric and tactics adopted during the controversy show varied, not necessarily consistent, responses to political and economic reality. The House of Delegates initially proposed nothing more than to give all taxpayers the choice of paying their poll assessment in either tobacco or currency. Only after the legislative stalemate of 1771 dashed all hope for immediate tax equity did some lawyer-legislators find it expedient to embrace the contention that the act of 1702 had never been valid, a contention that had been circulating for some time and that, as legislators, they had not accepted during the Assembly sessions of 1770 and 1771. And the tactics Paca, Johnson, and Chase used when the clergy turned to the courts—their appeal to popular approval and response in publishing arguments against the act, their attempt to obtain a judicial determination on grounds of their own choosing in the *Harrison v. Lee* trial, and, perhaps their efforts to thwart a decision in the Provincial Court—suggest not studied commitment but doubt as to the persuasiveness of their own legal arguments.

If the problems Maryland residents faced during the early 1770s had a decidedly provincial cast, the rhetoric and tactics tested and refined in the proprietary context could be, and were, readily transferred to imperial problems. Therefore, the final sequence of pre-Revolutionary events that dawned in 1774 with the Intolerable Acts found the colony primed for a surprisingly sharp initial reaction to the crisis within the Empire. Marylanders, for example, led Virginians in choosing delegates to the First Continental Congress, and it was in Maryland that the brig *Peggy Stewart* and her cargo of tea were put to the torch. Months before the battles of Lexington and Concord, the extralegal Provincial Convention of Maryland formed an independent militia, a step widely regarded as “the first public act out of the pale of New England which indicates a preparation for war.”<sup>125</sup> The provincial turmoil of the early 1770s had moved the colony to the threshold of revolution.

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125. James Duane to Chase, Dec. 29, 1774, James Duane Papers, New-York Historical Society.



# The "Paper War" in Maryland, 1772-73: The Paca-Chase Political Philosophy Tested

ANNE Y. ZIMMER

AN ACRIMONIOUS BATTLE OF WORDS ENLIVENED THE PAGES OF THE *Maryland Gazette* in 1772-73, when a pair of articulate and astute Annapolis lawyers, William Paca and Samuel Chase, exchanged a series of letters with the Reverend Jonathan Boucher, then rector of Queen Anne's Parish. The episode was significant, for in the long history of resistance to Lord Baltimore's proprietary government and of increasing objections to British measures since 1764, it marked yet another challenge to authority.

This time the target was an entrenched institution: the Church of England in Maryland. In the course of the "Paper War," the two lawyers tested their political philosophy, engaged the public interest, and brought into sharp focus public dissatisfaction with Anglican clerical salaries and the establishment itself.

The newspaper battle had other important effects. It strengthened Paca and Chase in their leadership of the country (or anti-proprietary) party of the House of Delegates, weakened the Church of England in Maryland, and contributed in large measure to the rapid decline of Jonathan Boucher's career in America. Beyond that, and no less important, the issue agitated the public mind and unleashed political passions which never completely subsided and which contributed to the crisis that culminated in the Revolution.

Samuel Chase was born in Somerset County, Maryland, but was taken to Baltimore at the age of three. His father, the Reverend Thomas Chase, accepted the post of rector of St. Paul's in Baltimore after the death of his wife, and the family remained there until Samuel was eighteen years old. During that time, the Reverend Chase had tutored Samuel in the classics and had prepared him for the study of law. The youth then moved to Annapolis and studied under the able direction of Messrs. Hammond and Hall until he was admitted to practice in 1761.<sup>1</sup>

William Paca, the second son of John and Elizabeth Smith Paca, was born in Harford County, Maryland, into a well-to-do planter family. At the age of fifteen, Paca entered the College of Philadelphia, and there he remained until he received his M. A. degree in 1759. He then returned to Annapolis to read law in

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Dr. Anne Y. Zimmer is an assistant professor of history at Wayne State University.

1. Biographical material on Samuel Chase (1741-1811) is from the following: *Dictionary of American Biography*, s.v. "Chase, Samuel"; Philip Crowl, *Maryland During and After the Revolution: A Political and Economic Study* (Baltimore, 1943), p. 24.

the office of Stephen Bordley. Unlike Chase, however, Paca left Annapolis to complete his legal training at the Inner Temple in London, returning in 1762. Although he had been born a year earlier than Chase, his additional training delayed his admission to the bar of the provincial courts until 1764.<sup>2</sup>

Both Paca and Chase had displayed some interest in politics before they were admitted to the bar. Both had joined the Forensic Club when it was founded in 1759.<sup>3</sup> Unlike most of the social clubs of the day, the Forensic Club encouraged discussion of public events and politics, and its members engaged in serious debates on controversial subjects. In 1761, for example, members debated the question "whether it is lawful to keep slaves," (resolving that it was not). Paca took an active role in debating.

The first to enter politics was Chase, who joined the House of Delegates in 1764. Paca was elected to that body in 1768. Both became articulate members of the country party, which opposed the court party of the proprietor's followers. By the time Paca entered the Assembly, Chase had already established a reputation as a leader of insurrection, largely because of his riotous activity as a Son of Liberty in the Stamp Act defiance. The mayor and aldermen of Annapolis criticized him as a "busy restless incendiary, a ringleader of mobs, a foul-mouthed and inflaming son of discord."<sup>4</sup>

Both Paca and Chase took active roles in the business of the House of Delegates, participating in debates and maneuvers against Baltimore's dominance. In earlier years, the House of Delegates had made little headway in establishing its claims to share Baltimore's sovereignty. However, by the mid eighteenth century the House had been encouraged by the various concessions wrung from Lord Baltimore, such as the waiver of his right to license fees, and by the yielding of the Council on various issues. With the experience of the Stamp Act resistance behind it, the country party increased its pressure between 1770 and 1773. In the process, the leadership of Maryland, which had always been in the hands of gentlemen of wealth and learning, now passed into the control of a new generation of energetic and aggressive men, among them William Paca and Samuel Chase

Like many of their knowledgeable contemporaries, Paca and Chase were a part of the Enlightenment milieu of Maryland. They firmly believed that all Englishmen on both sides of the Atlantic had a fundamental and historical right to the protection of the English constitution. The Magna Charta and the Bill of Rights, together with the common law inheritance of all Englishmen, guaranteed that "no Part of their Property shall be drawn from British Subjects without their Consent," as young Daniel Dulany had stated in his *Considerations on the Propriety of Imposing Taxes in the British Colonies*.<sup>5</sup>

2. Biographical material on William Paca (1740-99) is from the following: *Dictionary of American Biography*, s.v. "Paca, William"; Cowl, *Maryland During and After the Revolution*, p. 24; Albert Silverman, "William Paca, Signer, Governor, Jurist," *Maryland Historical Magazine*, 37 (1942): 1-25.

3. Charles A. Barker, *Background of the Revolution in Maryland* (New Haven, 1940), p. 59.

4. John Sanderson, ed., *Biography of Signers to the Declaration of Independence*, 9 vols. (Philadelphia, 1827), 9:191.

5. (Annapolis, 1765).

Furthermore, colonials had an additional protection in their charters, which confirmed their rights with "a precision absent in England where theory had to reckon with 'the veil of Antiquity,'" as H. Trevor Colburn reminds us.<sup>6</sup> Finally, like all colonists who had fought to increase the power of the lower houses of assembly, or were students of the process, Marylanders cherished their peculiar local customs which had evolved over decades of usage. They now considered them prescriptive rights.<sup>7</sup>

Paca and Chase were determined to maintain those rights and privileges. They thoroughly endorsed and made use of Sir Edward Coke's claim in his *First Institutes* that "a British Subject may with Courage and Freedom tell the most powerful Oppressor that he must not injure him, with Impunity."<sup>8</sup> Thus there was no reason not to speak up sharply when, in their opinion, the occasion seemed to require it. Their colleagues in the country party shared this belief.

Reports of the aggressiveness of the House of Delegates naturally caused the newly appointed governor, Robert Eden, some concern. However, the moderate tone of the first legislative session which he opened in 1769 pleased him. Unfortunately, that first impression quickly disappeared in the sharp controversy which began in 1770 and which became virtually the final battle between the proprietor and his interest, and the country party.

The conflict was triggered by the expiration of the Tobacco Inspection Law, which set the fees for the proprietary officers and for Anglican clergy salaries. Numerous dissenters from the Anglican faith had settled in Maryland over the years, and their loud and repeated criticism about Anglican salaries disturbed the whole colony. Some salaries were exorbitant, but those instances resulted from extremely large parishes which were few in number.

Paca and Chase interested themselves in the salary issue at first, with the rate of ministerial pay in mind. However, they soon joined forces to attack the religious establishment itself, a much more fundamental issue. Initially, Chase had the more flamboyant reputation and appeared to be the more radical in his position. However, by the time the newspaper controversy was well underway, Paca had shifted to a stance more radical than Chase and had rapidly overtaken Chase in zeal, if not in good taste. In the course of the vitriolic battle of words, the argument moved from disputes about points of law to debates regarding the nature of right reason, with the whole series of letters spiked with personal aspersions.

The person who had stepped forward publicly in defense of the established church, the Reverend Jonathan Boucher, seemed hardly a match for a pair of able and experienced lawyers. Boucher had been a perceptive and interested observer of the dissension, although he was a relative newcomer to the Maryland scene, until he felt compelled to act both in the welfare of his church and in recognition of his own personal financial stake. Although he had had no legal

6. H. Trevor Colbourn, *The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution* (Chapel Hill, 1965), p. 136.

7. Jack P. Greene, *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776*. (Chapel Hill, 1963), p. 10.

8. Colbourn, *Lamp of Experience*, p. 135.

training, he was self-confident about his intelligence and his ability to understand the law as it applied to the church. He believed himself capable of handling reason and logic as well as, if not better than, the next man.

Boucher had emigrated from England to Virginia in 1759 as a tutor, but he had been ordained in 1762 and had become the rector of St. Mary's Parish in Port Royal, Virginia. He had soon learned that clergymen's salaries in Maryland were far more attractive than the flat payment of 16,000 pounds of tobacco paid to the Virginia clergy.

For several frustrating years, Boucher yearned for an appointment in Maryland; meanwhile, his friends in that colony pressed his case with the governor with no success in spite of numerous promises. Finally, in June 1770, Boucher was inducted to St. Anne's Parish at Annapolis, a bit of patronage for which he was by then only partially grateful. He wanted a large country parish with a good salary, which would provide him with the opportunity to become a country squire. However, he contented himself for the present with enjoying the cultural and social opportunities of the "Bath of America," while he ingratiated himself with Governor Eden and maneuvered for a better post. His desire was fulfilled in the fall of 1771 with his induction to Queen Anne's Parish in Prince George's County. But for the discordant elements of Maryland's politics, his prospects for the future looked excellent.

Boucher was keenly aware of the Whiggish spirit which was prevalent in the colony, and of the manner in which both "the country and the people divided into parties."<sup>9</sup> It appeared to him that placemen and their dependents took the side of government, but "were always opposed by a faction whose leaders were instigated merely with the view of turning others out that they themselves might be in." He had also noted the aggressiveness of the country party and knew that the "popular leaders have almost always been lawyers." As for the public, Boucher believed that this was a time when public issues occupied and agitated the minds of the people beyond measure, keeping them "restless and dissatisfied, forever discontented and grumbling . . . and forever projecting reformatations. . . ." The "fierceness in opposition" seemed to him unusual.<sup>10</sup>

At first, Boucher watched all of this from the sidelines; but when the issue of the clergymen's incomes brought sharp and bitter controversy, he could no longer restrain himself. He joined in the fray. The salary issue was rapidly expanded to opposition directed against the very establishment of the church. Meanwhile, too, the old antipathy toward proposals for the creation of an American resident bishop was revived and displayed. Inevitably, Boucher's position on the two church-related issues was antithetical to that of William Paca and Samuel Chase. Unintimidated by the popularity of the two lawyers, Boucher boldly plunged into a battle of words with the two men which a contemporary

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9. Jonathan Boucher, *Reminiscences of an American Loyalist: 1738-1789. Being the Autobiography of the Reverend Jonathan Boucher, Rector of Annapolis in Maryland and afterwards Vicar of Epsom, Surrey, England* (Port Washington, N. Y.: Kennikat Press, 1967; Originally published by Houghton Mifflin, 1925), p. 68.

10. *Ibid.*, 68-69.

newsreader would later describe as one of "great acrimony."<sup>11</sup> The exchange of letters extended over a period of some four months. At that point, the printer of the *Maryland Gazette* closed off the debate in the interests of good taste, and Paca formally challenged Boucher to a duel.

The genesis of the argument lay in Maryland's history. When the Church of England had been permanently established in Maryland in 1702, the clergymen had been assured incomes from a poll tax, originally set at forty pounds of tobacco per head, based on the parish population. As the colonial population expanded, most rectors enjoyed steadily increasing salaries. A 1747 law had reduced the church tax from forty pounds of tobacco per poll, the amount fixed in the permanent Act of Establishment of the Church in 1702, to thirty pounds of tobacco per poll. But when the law of 1747 lapsed, the Anglican ministers promptly maintained that the old 1702 forty-pound provision applied. Thus they had a plausible legal basis for a one-third increase in income. The House of Delegates disagreed.

Unfortunately for the clerics, the public was less than sympathetic to their cause. There was a widespread belief that Maryland's clergymen already were overpaid, a belief which Boucher also entertained with respect to certain parishes.<sup>12</sup> Even before the onset of the fee controversy, the colony's clergy in general suffered a very bad reputation, a consequence in large part of the proprietary's system of clerical patronage which sacrificed the church to politics through the appointment to benefices of incompetents or characterless men. Boucher, like other honest clerics, had to concede that "Some individuals of our orders . . ." had been "irregular, licentious, and profligate," and deserved public censure. But in the absence of a resident bishop, no supervision or discipline by the church itself existed. Boucher objected to the fact that the aberrations of some clergymen had provided the opportunity for the lawmakers to interfere with the constitutional prerogative of the church, which disciplined its own everywhere but in the American colonies.

For some time there had been proposals for the creation of a civil body to oversee the clergymen, but the colony's churchmen had successfully fended them off until 1770, when the Assembly passed a law extending its jurisdiction over the clergy. The new statute required an oath of loyalty to the government as well as a sworn statement that the benefice had not been purchased. It further provided for the handling of complaints registered against ministers by means of a special court consisting of three clergymen and three laymen, all appointed by the governor. The court was given the power either to rebuke the defendant, to suspend him, or to relieve him from his parish. Boucher thought it a sad state of affairs that he and his colleagues were now subjected to a "novel jurisdiction . . . of a novel Court . . ."<sup>13</sup>

11. This statement is included in an account by William Pinkney, recorded by his son, which agrees with an account in the *Maryland Gazette*. Edward Pinkney's "Note on the Early Life of his Father, William Pinkney," Kennedy Papers, MS 1336, Maryland Historical Society.

12. Boucher, *Reminiscences of an American Loyalist*, p. 69.

13. *Ibid.*

Although the usurpation of a power of the church disturbed him, Boucher was even more concerned over the salary issue, which touched him acutely. The salary arrangement, he thought, was innately inequitable. Payment was in tobacco, but for the convenience of those who did not plant that crop, debts might be paid off at twelve shillings six pence per hundred pounds, which was the highest price given for tobacco when the law was written. However, for several years since then the crop had been selling at a price between twenty shillings and forty shillings per hundredweight. The law then clearly allowed great discrepancies in pay.

This was bad enough, but matters threatened to become worse. The Assembly was proposing that a law be passed enabling all parishioners to pay off their church obligations at twelve shillings, six pence. Boucher knew that it would be hard on the clergy; in his particular parish he stood to lose between £50 and £100 sterling annually.

Yet a still more fundamental argument against the Church establishment, a direct attack, had developed as early as 1770 with the publication of a handbill signed "The Church of England Planter" which complained that the clergy rode him "like an ass."<sup>14</sup> The writer advanced a radical argument which threatened a foundation stone of the church; he attempted to prove that the Act of Establishment of 1702 itself had no constitutional validity on the highly technical point that the governor who had signed the act had done so some weeks after the death of King William III, under whose sovereignty he held his commission. To be valid, the argument ran, the law should have been reenacted and signed under a commission from Queen Anne, the new sovereign. Boucher thought this argument ignored practicality and common sense completely. The governor of 1702 could not have known of the death of William at the time. What was more, Boucher pointed out, "the law had been in force, and observed as a law for upwards of seventy years, had been recognized by many subsequent laws, and had been ratified by the succeeding sovereigns as well as by succeeding Assemblies."<sup>15</sup> There had been no previous objections to the law, other than to the definition of salaries.

Now, however, it was being questioned and the assumption was that it had been signed by the wrong sovereign, and enacted by an illegally operating Assembly.<sup>16</sup> Boucher maintained at the time, and years later, that the purpose of

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14. "A Constitutionalist" wrote and published a 22-page pamphlet in reply to "Church of England Planter," entitled, *A Reply to the Church of England Planter's First Letter Respecting the Clergy* (Annapolis, 1770). A copy is in the Gilmor Papers, MS 387.1, Maryland Historical Society. The original handbill is summarized in this reply. See also *Maryland Gazette*, June 27, 1771, for letters from "Gentlemen of the New Regulation" and "Advocate of Anarchy."

15. Boucher, *Reminiscences of an American Loyalist*, p. 70.

16. An account of this controversy in Steiner's biography of Eden does not question the signature of the sovereign but discusses the doubt of legality as if it had been signed only by King William (Bernard Steiner, *The Life and Administration of Sir Robert Eden* [Baltimore, 1898], pp. 60-61). Boucher may have checked the Public Records when he was writing his book of sermons which was published in 1797. He said then that as the act was originally framed in Maryland, it was not wholly approved in England and had been returned for amending. The amendments were adopted in the next provincial Assembly, and in turn enacted into law. Meanwhile, King William had died. The act, when sent to England for the second time, "modelled and passed according to the form directed by the

the anonymous handbill was to bring the church into public controversy. He considered it at least possible that it was a deliberate political move to enhance the position of the radical element.

Unfortunately for the church, newspaper contributors continued the argument raised by "Church of England Planter." On July 30, 1772, a letter appeared in the *Maryland Gazette* over the signature "Jack Frank" charging that the Act of 1702 which had established the Anglican Church was null and void.<sup>17</sup> Soon Samuel Chase wrote a legal opinion, published August 1772, joining the "Planter" in expressing doubt about the validity of the church establishment, although the stand he took was decidedly equivocal. An avalanche of writing on the subject now occurred. The most important letter was that of William Paca, published on September 10, which carried the argument forward from the position of Chase to a complete anticlerical analysis of the problem.<sup>18</sup> Chase had conceded that King William's death did not abrogate the proceedings in the courts, nor suspend the powers of the commissioners in the province, although he had held that the Assembly was dissolved. Paca now took an important step further. "My opinion, then," he wrote, "is that upon the demise of King William, the assembly of this province was dissolved; that the assembly which afterwards met and enacted the contested forty per poll law, being called without a fresh *writ of summons*, was *illegally and unconstitutionally convened*." Paca concluded that "no obligation can result from said forty per poll act as law."<sup>19</sup>

To hear a leader of the country party in the Lower House come out with an opinion of this kind appalled Boucher. Even more offensive to him was the offer of Paca, Chase, and Thomas Johnson to defend *gratis* the people who, in consequence of the Paca-Chase legal arguments, refused to pay their poll tax to the clergy.<sup>20</sup> The result of all this was that many people stopped paying church taxes. Boucher, whose salary in Annapolis had already been somewhat affected, felt the pinch again.

In December 1772 Boucher, who thought he saw an opportunity to embarrass Paca and Chase on a charge of inconsistency, challenged them in the pages of the *Maryland Gazette*, and initiated a series of letters which are much more frank and insulting than those which are printed in newspapers today. He knew that it would lead to an exchange of letters which would mean a great deal of work and

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late King," was approved and confirmed by his successor, Queen Anne (Jonathan Boucher, *A View of the Causes and Consequences of the American Revolution; in Thirteen Discourses, Preached in North America between the Years 1763 and 1775: With an Historical Preface* [London, 1797], pp. 223-24).

17. Silverman, "William Paca, Signer, Governor, Jurist," *Maryland Historical Magazine*, 37 (1942): 4.

18. *Maryland Gazette*, Sept. 10, 1772. Paca's position can be summarized briefly from his letter of Sept. 5, 1772, published in the *Maryland Gazette* on Sept. 10, under the initials "B. H." I agree with C. A. Barker that this is the work of Paca (see Barker, *Background of the Revolution in Maryland*, p. 362).

19. *Maryland Gazette*, Sept. 10, 1772.

20. Boucher, *Reminiscences of an American Loyalist*, pp. 69-70. A test case was tried in Charles County when Joseph Harrison, a delegate, appeared as plaintiff against Sheriff Richard Lee, who had jailed him for refusal to pay the forty pounds per poll. See Professor Vivian's article, elsewhere in this issue of the *Maryland Historical Magazine*, for a careful discussion of this case.



time, but he did not anticipate adequately the depth and breadth of the controversy that now loomed. Nor could Boucher have anticipated the deep and long-lasting political consequences.

In a letter of December 31, Boucher openly identified himself, bluntly attacking Paca and Chase in their roles as vestrymen. "To my very great surprise," he began, "I have been informed you still continue to act as vestrymen of St. Anne's Parish." He cited the vestry's petition to the county court for an assessment of five pounds of tobacco per poll for necessary repairs to the church and chapel. This was extraordinary behavior, he thought, for two men who had flatly denied the constitutionality of the forty per poll Act of 1702. After all, the vestry's legal existence appeared to depend on the 1702 Act. He suggested that Paca and Chase would no doubt be glad to explain this contradiction to the public.

Dramatically, Boucher contrasted their action with that of the great Hampden in England in 1637, who chose "to be confined to a loathsome jail, [rather] than pay one shilling *without authority of Parliament*."<sup>21</sup> Paca and Chase could hardly aspire to Hampden's distinction since they were "the immediate agents of fixing on the necks of a free people that odious badge of slavery, *taxation without their consent, taxation without the least pretense of law*." How could it be otherwise, he reminded them, when "*your tax on the people cannot be justified*" by a law of the province which they denied? Boucher contented himself with a concluding arrow: "The public voice arraigns you of duplicity, of acting in direct opposition to the principles you avow, of loose and fluctuating counsels—the usual effects of artifice and insincerity."

Boucher did not have to wait long for an answer, prepared jointly by his two opponents, and published January 14, 1773.<sup>22</sup> Paca and Chase bitingly thanked him for "not having stabbed our reputations under a fictitious signature," but they reminded him at the same time that a man of the cloth "should he think it necessary for the general good to arraign the conduct of any man in public," ought to do so with "all the temper and moderation of an accusing Angel," adding that "an offended priest is a most revengeful and implacable enemy."

Thereupon Paca and Chase seized the opportunity to deflect the argument to the more inflammatory issue of a resident American bishop. In taking the lead in the move for an American bishop, Paca and Chase reminded Boucher, he had sponsored a most unpopular cause. "Had your benevolent intentions towards this once happy and flourishing country fully taken place, prudence and personal safety might have dictated a silent and very respectful conduct towards your body [the clerics], and even their temporal claims. . . ." But it had indeed failed, they reminded him, and now he could only "cite us before the tribunal of the public," where, they were satisfied, "truth may there look for support and innocence find protection."

Pressing home their argument the two lawyers posed some blunt, embarrassing

21. One can only speculate on whether Boucher knew that Hampden had refused to pay twenty shillings, not one. He may have wished to exaggerate for effect; but given the circumstances of his argument, this seems a dubious explanation. More likely it was a careless error.

22. *Maryland Gazette*, Jan. 14, 1773.

questions about Boucher's role in the drafting of the "Address to the Bishop of London" of 1770. They asked for a list of the names of those who had composed "this patriotic band" in order that the public might "reward them." Furthermore, they asked Boucher for a copy of the address to the governor on the subject of a resident bishop, alluding to the awkward rift it had created between Boucher on the one hand and Eden and Dulany on the other, by asking pointedly whether it was not true that the governor had given him a "spirited reprimand" for his "presumption."

The pair of lawyers was merely baiting Boucher, for it was clear from their next questions that they had already seen copies of the various addresses and knew that as members of the Assembly they had been labeled "levellers," an "odious epithet." They were also aware that the body of clergymen in their address had nominated and elected a secretary of state. "What was his salary?" and "out of what fund payable?" they demanded to know. Monetary questions concerning the establishment of a resident bishop seemed particularly interesting to them. They wanted to know what fees "this glorious American Bishop," his officers and ministers, were to get, and how such money was to be raised, insinuating that it would be by a tax upon the people and doubtless without their consent.

No doubt Paca and Chase envisioned Archbishop Laud when they asked Boucher where this resident bishop would hold his "TREMENDOUS COURT" and what judicial body would limit him in case he exceeded his authority. Obviously, there were problems of geography and such a bishop would either have to travel to oversee his territory and settle disputes or disputants would have to travel to him. Either way, expenses would be incurred. Sarcastically, they suggested that the bishop might even keep a *Man of War* for his convenience.

Mindful of the hierarchy in England, the two lawyers urged Boucher to tell the public what he had in mind for America. Would there be a "sub-bishop with a spiritual court" in every colony, thus fastening a "multiplication of offices and fees upon the people with a vengeance?" Even speculation upon such an occurrence moved the two to a fervent "and when that time comes, the Lord have mercy upon us! For Heaven and our prayers must be our only attendance."

For the moment at least, Paca and Chase turned to other aspects of Boucher's letter. They could be relatively certain that they had injected an old, highly charged issue that was almost certain to alienate a share of the reading populace which might have maintained a neutral attitude up to this point. However, they delayed in getting to the heart of Boucher's letter just long enough to drive another wedge between him and the public by questioning his motives in writing. "Tell us what passion dictated your resentment against us," they demanded, suggesting that it was less a "laudable zeal for the public welfare" than it was revenge for their success in thwarting the claims of the clergy "for the forty per poll." Boucher's charge of insincerity and inconsistency "seemed to grow out of ignorance and malice," they wrote. Could it be, they tartly suggested, that he had confused "vox Sacerdotis" with "Vox Populi?"—an error that was the product of "elation with his own importance."

At this juncture, Paca and Chase took up their defense against Boucher's major criticism: their actions as vestrymen in the face of their own legal opinion

that the Act of Establishment of 1702 was unconstitutional. Their vestry actions were legal, they declared. Boucher's mistake was in seeing the justification resting solely upon the Act of 1701-2, "*which we hold a perfect nullity*," whereas the legitimacy of their actions rested instead on common law.

"Common law," they said, "operates till suspended or abrogated by statute." Thus, "when St. Anne's parish [of which they were vestrymen], was erected and established as a parish, the government of it devolved upon the parishioners; they became a body politic, and might by common consent, exercise the power of taxation for church repairs." This was custom from time immemorial. However, an Act of Assembly of 1704 "broke in upon the common-law right of vestrymen, and settled the power of taxation for church repairs in the county court, whose justices were appointees of the proprietary, and hardly representative of the people." This defect was recognized in 1729 and declared an "infringement upon the constitutional rights of the people," and the legislature in that year repealed that section of the Act of 1704, leaving the discretionary power of assessment for repairs and supplies to the vestrymen and church wardens, rather than to the judges.

Paca and Chase "having been elected by the parishioners and having levied a tax on the parishioners," considered themselves the representatives of the people with respect to the imposition of taxes for church repairs. Who then, they asked dramatically, were the representatives if not the vestrymen? "In God's name! how are we guilty of an high infringement of the constitutional right of taxation . . . ?" They begged leave to remind Boucher that the "only hardship the good people of this province can labor under is a *total exemption from a payment of the 40 per poll tax*."

At this point, and with some relish, Paca and Chase seized upon Boucher's question concerning what recourse the sheriff might have in the case of those who, in a rebellious state, might fail to pay their levies of tobacco or the equivalent. Their answer gave them an opportunity to strike again at Boucher's vulnerable point, the proposal for an American bishop.

"Recovery," they said, was "not by a *douse* in the *chops*, nor upon the *polls*, nor upon the backs of the people, as the Sheriff of Anne-Arundel County is illegally and overbearingly instructed by the clergy to do in case of failure . . . to pay the forty per poll: but by *distress*; because, no remedy is given by statute." Paca and Chase proceeded to paint a heart-rending picture of such a distressed parishioner. "And when a man is so poor in his circumstances . . . that he has neither wig, hat, coat or jacket, shirt or breeches, stockings or garters, shoes or buckles, pipe or tobaccobox to pay his tax with, the humanity of the *common* law, in spite of the oppressive spirit of a priest, will spare his naked corpse, and protect it from the thorns of a jail."

By contrast, they pointed out, the blessing of common law in cases of distress would not prevail, if Boucher had his way. "But if, reverend Sir, you should be able to accomplish the scheme for an American bishop, you may then, indeed *file a bill* in the spiritual court, and possibly upon canon principles obtain judgment, to have this *naked dog* excommunicated and driven into a wilderness to herd with beasts. And yet what is his crime! Poverty.—"

Seizing the opportunity for a fervent prayer to ward off such a calamity, Paca and Chase intoned, "Upon our knees we bend, and to Heaven devoutly pray, that the province of Maryland may never be cursed with ecclesiastic tyranny! May the Christian religion and the Gospel of Christ flourish through the land in their native purity, BY THEIR OWN INTRINSIC, INHERENT, AUTHORITATIVE RIGHT, without the interposition of those internal jurisdictions of spiritual cruelty, vengeance and inhumanity!" It seemed like the right moment for rhetoric; to extoll the common law, while denouncing canon law. "MAY THE COMMON LAW prevail triumphant! and may the glorious trial by jury exist to latest time! the scourge of oppression, the bulwark of liberty, and the Palladium of our country." Paca and Chase were well on the way to arguing from more general principles of law, which Boucher realized with some apprehension.

In an effort to justify their openly stated attack on the established church, Paca and Chase declared that they had long held back their sentiments on the subject of the forty per poll while the validity of the Act of 1701-2 was in doubt, hoping that "a reasonable composition" might develop between the clergy and the people. Describing their role as that of churchmen "well-affected to the Established religion," they excused their present statements on the ground that they had been goaded into them by "personal reflections and shameful abuse," by repeated challenges in the *Maryland Gazette* to give a public opinion, while at the same time their silence had been "censured in the most indecent terms." They charged the clergy with turning the scale, by their "prosecution of suits and an exaction of the forty per poll." Furthermore, they had been provoked at length by the "arbitrary conduct of particular clergymen."

The "particular clergymen" included Boucher who, it seemed to them, had been "upon the watch for an unguarded moment" to give a "stab to our public characters." Indeed, they charged Boucher, "your vanity persuaded you to think that you were qualified for a flight into the political sphere." The question of Boucher's ability to take such "flights" interested them. "In your professed element, Sir, possibly your genius and erudition may be respectable; but in questions of law permit us to deny your abilities; your dependence must necessarily be placed upon others, and when you open upon a legal topic, we can only consider you as a mere echo." This jibe was a conjecture that Boucher was writing with the guidance or consultation of Daniel Dulany or the attorney general of the province, an office held at that time by Thomas Jenings of Annapolis.

Paca and Chase concluded their letter with the accusation that Boucher was guilty of "traducing and vilifying them" with "a wantonness that shocks humanity, . . . With a pen dipped in gall," he had painted them in the "most odious colors." His aim, they said, "was the ruin of our characters."

Shortly thereafter in a sharp political move, Paca and Chase arranged to have reprinted the 1770 "Address," reminding the public at the same time of its implication that it represented the will of the majority of the clergymen meeting in Annapolis, whereas in fact it had not. It was a deliberate effort to inflame the public sentiment again on the subject of an episcopacy. Nothing in Boucher's letter of December 31, 1772, had provoked this change of subject, nor had the

cleric's first letter warranted the adjectives of invective and exaggeration used in the Paca-Chase reply. Clearly, the two lawyers were determined, if possible, to discredit Boucher in the public mind by means of the resident bishop issue, and in the process Paca and Chase took another flight of rhetoric at his expense.

Boucher replied to Paca and Chase via the *Maryland Gazette* on February 4, 1773, objecting to their bringing up the irrelevant issue of an American episcopacy in the first place, and to their language which made his petition for a bishop sound as if "I had been concerned in a plot to bring in the Pope and the Pretender." He suggested that they confine themselves to "the single question which is of importance in this controversy: 'By what authority do you act as vestrymen?'"

In answer to the Paca-Chase statement that the parishioners had given them the power, a power which existed beyond the Act of Establishment by virtue of the common law, Boucher asserted that neither parishes nor vestries existed in Maryland before the Act of 1691, a time when power had been exercised by the "Papists." Boucher backed his position with lines and passages from the Council Books of 1694 to 1698, folio 46, showing that St. Anne's Parish was Middle Neck Parish then. He reasoned therefore that "where the origin of a custom can be traced, it destroys it." Thus, if the Act of Establishment was void, the creation of the vestries was void. The maxim of law applied, "*quod non apparet, non est.*"

Boucher was assuming the role of the conventional lawyer and was arguing from the specific laws of Maryland. He had help in this venture, for he had assumed initially that his opponents might lead him into "labyrinths of legal quibbles" and might therefore cause him to lose sight of "common sense, my only guide." Boucher conceded that he had obtained the opinion of a lawyer whose abilities they would respect, and would soon publish another letter which would incorporate a more full legal argument.

Meanwhile, he was scornful of Paca and Chase and of their arguments to that point; he thought them neither good writers nor politicians. He offered them some free advice. "You are not at bottom such bitter enemies to priests—or to their offices," he thought, for he had observed that "you can both preach and pray when it suits you." However, if "the specimen you have given me of your abilities . . . be of your best," he added, "I am not so much your enemy as to advise you to quit your own profession for mine."

Boucher was fully aware now of the determined effort to steer the controversy from the establishment and salary issue to the resident bishop question, a topic which could not fail to draw support among dissenters at the very least. Paca and Chase had fixed upon that strategy early. Furthermore, they had noted sarcastically in their letter of January 14 that Boucher could "not only figure on questions of a legal nature," but seemed equally willing to "caper too with constitutional principles."

Boucher already sensed the direction of the Paca-Chase argument. He was apprehensive that between them they might try to reduce the whole body of laws, as they had the Act of 1702, to common law, common right, custom, and usage. The incipient Whig-patriots, Paca and Chase, were demonstrating the divergence between the American concept of English legal theory and practice, and

that of the British in the eighteenth century. Underlying the whole argument lay the great contrast which had developed in the practices of the colonial Church of England as opposed to the constitutional arrangements in England. Perhaps even more significant was the sharp insistence upon the Maryland right to interpret the position of the church. In doing so, Paca and Chase moved away from the legal and particular in their arguments, via common law, toward the principles of right reason, while Boucher stayed within the British framework of legal thought, coached as he was by friends with legal training within the proprietary circle. Boucher realized quickly how difficult it would be to argue against Paca and Chase on the more abstract grounds of their choice, far beyond the concrete laws of Maryland and of England.

Although the issue here was essentially church-related, and only peripheral to the colonial relationship with England, nevertheless the arguments brought to bear by Paca and Chase, with Boucher as their foil, conditioned them for the political and economic disruptions which were soon to follow. In a very practical sense, Maryland would have in Paca and Chase the equivalent of two Sam Adamses.

On February 25, 1773, in the obliging pages of the *Maryland Gazette*, Paca wrote one of his several independent letters to Boucher, informing the cleric that the forty per poll act was invalid and that the clergy must therefore rely on supplemental acts. However, he foresaw some difficulty with that, since he and another lawyer with whom he had conferred had searched in vain for a case in which an act void *ab initio* had been confirmed by an "after act." Paca acknowledged his awareness that Boucher had furnished himself with law books, but he strengthened his own position on the issue by adding that both Thomas Johnson and Robert Goldsborough had examined and approved of his opinion.

On March 18 Paca and Chase made the front page of the *Maryland Gazette* with a letter to Boucher which was so lengthy that a supplement to the paper was necessary that day. Before getting to the business at hand, they took the opportunity to berate Boucher for the "ardency you betray for judicial powers," and to point out that "common prudence might have suggested the impropriety of taking the chair before your appointment to the Bishopric had been formally announced by a *legal* proclamation. . . ." Several lines preceding the argument told him to mind his own business:

Is not the care of souls a load sufficient?  
Are not your holy stipends paid for that?  
Were you not bred apart from worldly noise?  
To study souls, their cures, and their diseases?  
The province of the soul is large enough  
To fill up ev'ry cranny of *your time*,  
And leave you much to answer, if one wretch  
Be damn'd by *your neglect*.

The best letters in the series are those written jointly by Paca and Chase. They present good arguments and have less personal invective than those letters which Paca alone wrote between March 25 and April 8, 1773. Of the joint letters, that

which was published on March 18 on the front page of the *Maryland Gazette* is significant for its evidence that the two Maryland lawyers were relying heavily upon Enlightenment arguments.

In that letter, Paca and Chase developed the argument that the power which they had exercised as vestrymen derived from that which rested in the parishioners to elect a select vestry, a power anterior to and quite apart from any Maryland statute. Most importantly, in the course of making their point, Paca and Chase relied for support upon a "law of right founded upon reason and ripened into perfection by the wisdom of ages: a system of jurisprudence adored by Englishmen, as the *palladium* of their rights, liberties and properties; . . . "

Paca and Chase cited common law and common right as the basis of the authority "of the whole" which the parish could delegate into the hands of vestrymen and churchwardens, arguing the "self-evident proposition" that "what a man may do *by himself* he may do *by another*; . . . " In the process they quoted, then directly challenged, the opinion of Thomas Jenings, Maryland's attorney general, which stated that a parish was a creation of *prescription charter* or *Act of Parliament*. Instead, Paca and Chase argued, a parish is a "*being* propagated by operation of law and introduced upon the principles of publick utility." In the opinion of the two lawyers, "The body politic of a parish created by operation of law is in fact nothing more than a society or assemblage of people collected together for the government of themselves. . . . "

In addition to challenging the interpretation of the attorney general, Paca and Chase questioned the whole issue of tithes in terms of taxation without representation. Their argument of many paragraphs was summed up well in one of their own sentences: "The lands we have purchased are our property; as such they cannot be burthened or charged without our assent; the common law shields us from such an evil; the eternal laws of nature and reason are invincible bars to it."

Here, against the challenges and barbs of Boucher, Paca and Chase sharpened their repartee and brought their political thought into focus on a basic issue of the approaching Revolution.

From this point on, only Paca engaged in correspondence with Boucher through the *Maryland Gazette*. On March 25, 1773, Paca expressed his contempt for Boucher's legal pretensions, again called him an echo for the attorney general, denied Boucher's earlier innuendo that he had sought an office from Eden, and offered Boucher some gratuitous advice: "Mr. Boucher, never speak contemptuously of the abilities of others; only chambermaids simmer like furmenty kettles."

Although Paca drew some support in letters to the editor on the subject of the nullity of the law of 1702, Boucher received some sympathy from "An Eastern Shore Clergyman" on April 1, 1773. The minister addressed his comments to Paca, declaring that he had treated the Rev. Mr. Boucher "with much scurrility" and had, indeed, attacked the clergy in general. If it should be true that "the bells are tolling adieu to the 40 per poll, . . . " then "Eastern Shore Clergyman" thought it reminded him of the old Scotch proverb: "As the fool thinks, so the bell chinks."

The same writer doubted that Paca's dictum on the nullity of the Act of 1702



would pass for law. "The people, fond as you think they are to believe you, cannot persuade themselves that an act which hath been of acknowledged force for more than seventy years" could be lightly put aside. After all, it had been in force during the lifetime of some "of our ablest lawyers"; it has been lately examined, and approved of"; and it had been determined "to be valid by a DULANY, and the most respectable gentlemen now amongst us."

"Eastern Shore Clergyman" took the opportunity to remind Paca that actions had already been instituted to test the validity of the act in question in court. However, he accused the lawyer of using delaying tactics in connection with these cases, apparently in an attempt to keep them pending until the next meeting of the Assembly.

Boucher continued to answer Paca's letters during the month of April, 1773. Paca used increasingly strong language, such as "base and wicked slanderer," "calumny and defamation." Boucher then served notice on Paca not to rely "too much on my aversion to recrimination," for much as he would dislike to "descend to the dirty business of tearing and worrying private character," he cautioned that it was in his power to do so. Although much of the correspondence through the newspaper became character assassination, Boucher did write one lengthy letter published on April 15 for which the Queen Anne's Parish rector had obviously spent a considerable amount of time in research and writing. He carefully argued that "parishioners and freeholders are different personages." Paca and Chase had argued that parishioners had the responsibility for the government of the parish and were, for that purpose, a body politic. If this were the case, then by common law every parishioner was in "some sort a vestryman." A vestry was "properly speaking," and in common law, the assembly of the whole parish. If this were true, then "Every parishioner who paid the church rate . . . had the right to come to these meetings." However, this was not the case in Maryland. If Paca and Chase had been elected to the vestry by freeholders, then the elections were "either unfair and therefore illegal, or you were not chosen by authority founded upon common law, and common right." Boucher presented a good argument, citing numerous authorities on the law, and concluding that English common law knew no such delegation of powers permitting parishioners at large to elect a chosen few, or a *select vestry*, distinguished by the title vestrymen. Custom alone could justify such delegation, Boucher believed, whereas Paca and Chase were relying on common law for support. The vestry of St. Anne's was "certainly a *select vestry*," therefore, in Boucher's opinion. It could never exist on the principles of the common law of England.

Another aspect of the common law argument which drew Boucher's attention was its applicability to the province of Maryland. Accusing Paca and Chase of having failed to quote Blackstone fully in their argument, Boucher said that they had altered Blackstone's meaning and concluded that Blackstone held that "if an uninhabited country be discovered and planted by English subjects, all the English laws then in being, which are the birthright of every subject, are immediately in force." However, Blackstone had also held that this was to be "understood with very MANY and very GREAT restrictions. Such colonists carry with them so much of the English law, as is applicable to their own situation, and

the condition of an infant colony." In short, Boucher put forward his own opinion that the case of the vestries in America was sufficiently different to warrant the deviation from English common law on the subject.

Boucher was frustrated by the arguments put forward by his opponents, who seemed to ignore some very clear points of law set forth by once acceptable authorities in Maryland. Their appeals to right reason elicited some blunt comment. It appeared to Boucher that Paca and Chase adopted and rejected a system of a law whenever it seemed to suit their purposes. The result was the emergence of "a kind of mongrel vestrymen, fantastically produced by a novel and whimsical mixture of common and statute law." This new breed of vestrymen was "like the fabulous centaurs of old, half men, and half horse," and "exist only in idea," he lamented. He thought that Paca and Chase might find some support among the populace, if only because they could not understand the pair.

In a final letter to Paca and Chase, Boucher had the last word in the public press on April 29, 1773. Again, his letter was on the front page, and again his sense of frustration was apparent. He complained that the two lawyers changed their position, "like true French generals" who, beaten out of one ground, "instantly take possession of another. . . ." He now found their writing expressed in terms so "loose and indeterminate . . . perplexed and involved," that he found it almost "*unintelligible*." Once again, Boucher tried to straighten out the lawyers, citing Sir Edward Coke, English history, Biblical history, and, finally, a parallel case in Maryland's history in 1714/15 wherein similar circumstances were created by the death of Queen Anne and the accession of George I.

Boucher had a good case. His understanding of the law made his arguments as logical and as good as any presented in Maryland history, according to one scholar.<sup>23</sup> Boucher believed that he "was generally allowed to have the better of the argument, but they carried their point." He knew that the two lawyers had gained ground with the public.

The Assembly met in June 1773 and quickly adopted the position of Paca and Chase as its own. The House of Delegates had correctly determined the political pulse of the Marylanders; the Act of Establishment was declared to have been unconstitutionally passed and therefore void. In its place the delegates framed a bill to pay all ministers equally, as was the custom in Virginia. In the November 1773 session, the Lower House proposed a bill which provided thirty pounds of tobacco or four shillings per poll for the clergymen, with the taxpayer having the option of paying either tobacco or money. Paca and Chase had won out; the bill was passed. Ironically, Chase had just cut his father's salary in half.

The newspaper controversy had several unexpected results. Paca had been so incensed with some of Boucher's jibes that he tendered the cleric a formal challenge to a duel, although he was later dissuaded from pursuing the matter. Boucher had not anticipated the effect on his own career. His involvement had embroiled him in Maryland politics and put him in the limelight at a critical

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23. Barker, *Background of the Revolution in Maryland*, p. 364.

point in history, although he had intended only to defend his church—and his own salary. Without doubt, his options in the approaching crisis were narrowed, for he now had a reputation as a staunch churchman and a conservative.

A more important consequence of the war of words was the marshalling of public opinion against the clerics in general, which then weakened their potential for exercising a moderating influence in the increasingly tense relationship with Britain after 1773.

On the other hand, the House of Delegates had tasted success once again in its politics of confrontation, and had gained support from the populace. Paca and Chase had operated well as a team in this instance, and had successfully tested the perennial colonial rationale, this time within a new context. These brilliant and daring lawyers had enhanced their political prestige and would be quick to serve on key committees in Maryland's revolutionary apparatus in the crisis of 1774. Both men were to serve on the Committee of Correspondence, in the Maryland Convention, on the Council of Safety, and as delegates to the Continental Congress. In addition, Paca served the Congress on the Committee of Thirteen for Foreign Affairs, while Chase served on no fewer than twenty-one committees in 1777 and on thirty committees in 1778. They would become Maryland's most *avant garde* proponents for independence from England, and both were to be signers of the Declaration of Independence.

Paca and Chase had mastered the politics of resistance in Maryland. In concert, they had developed and applied their political philosophy for over a decade. When Boston precipitated the final crisis, William Paca and Samuel Chase were well prepared for the rush of events.

# Jonathan Boucher and the Toleration of Roman Catholics in Maryland

MICHAEL D. CLARK

AMONG THE SERMONS WHICH JONATHAN BOUCHER INCLUDED IN HIS *View of the Causes and Consequences of the American Revolution* (1797) was one entitled "On the Toleration of Papists," cited by the author as having been "Preached in Queen Anne's Parish, Prince George's County, Maryland, in the year 1774."<sup>1</sup> Detached from its political context, the document would be a remarkable testimony to the spirit of toleration, considering that it represented the views of an incipiently Loyalist priest of the established Church of England in colonial Maryland. Lord Baltimore's haven for his co-religionists, a fragile experiment in the co-existence of Protestants and Catholics before the Glorious Revolution, had followed literally with a vengeance the colonial trend toward Protestant exclusiveness during the succeeding age. Roman Catholics in the province were excluded from voting and officeholding, public celebration of the Mass was banned, and for a time during the French and Indian War, they were subjected to double taxation. Maryland "achieved the dubious distinction," a recent authority notes, "of the most complete set of penal laws against Catholics enacted outside of the British Isles."<sup>2</sup> Like most such laws, they were neither consistently nor universally enforced, and it has been argued that there was a practical collaboration between Anglican and Catholic gentry after 1688, based on a

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Dr. Michael D. Clark is an associate professor of history at the University of New Orleans.

1. Jonathan Boucher, *A View of the Causes and Consequences of the American Revolution; in Thirteen Discourses, Preached in North America Between the Years 1763 and 1775: with an Historical Preface by Jonathan Boucher, A.M. and F.A.S. Vicar of Epsom in the County of Surrey* (London, 1797), pp. 241-93. Anne Young Zimmer and Alfred H. Kelly maintain that the sermons contained in this volume were reconstructed from notes after Boucher's exile, and are not entirely true to the original. They do not suggest that any alterations were made in the sermon "On the Toleration of Papists," however, and I see no reason to suspect that it was not delivered substantially as published ("Jonathan Boucher, Constitutional Conservative," *Journal of American History*, 58 [March, 1972]: 899-901).

2. Francis X. Curran, S. J., *Catholics in Colonial Law* (Chicago, 1963), p. 6. On Roman Catholic disabilities in Maryland see also John Gilmary Shea, *The Catholic Church in Colonial Days. The Thirteen Colonies—the Ottawa and Illinois Country—Louisiana—Florida—Texas—New Mexico and Arizona. 1521-1763. With Portraits, Views, Maps, and Facsimiles* (New York, 1886), pp. 372-76, 410-17; John Tracy Ellis, *Catholics in Colonial America* (Baltimore, 1965), pp. 344-45, 356-57; Charles Albro Barker, *The Background of the Revolution in Maryland* (New Haven, 1940), pp. 43-44, 172, 240-42, 254. A standard survey of Colonial anti-Catholicism is Sister Mary Augustina Ray, *American Opinion of Roman Catholicism in the Eighteenth Century* (New York, 1936). Richard Arthur Overfield, "The Loyalists of Maryland During the American Revolution" (Ph.D. diss., University of Maryland, 1968) is a useful study of its subject, but contains little on Protestant-Catholic issues.

mutuality of interests and values, which protected Catholics from the excesses of popular anti-Popery and permitted a comfortable accommodation to their inferior legal status.<sup>3</sup> But political disqualification continued to rankle, and so prominent a figure as Charles Carroll, father of the Signer of the Declaration of Independence, found wartime anti-Catholicism sufficiently oppressive during the 1750s that he seriously investigated the possibility of removing to French Louisiana. And never since its establishment in the province shortly after the Glorious Revolution had the Church of England been notably solicitous of Catholic sensibilities.<sup>4</sup>

Boucher's sermon "On the Toleration of Papists," then, might have appeared the harbinger of a far more brotherly spirit than had been abroad in Maryland for the better part of a century. Without actually departing from the orthodox assumptions and claims to preferment of the established church, he attempted to infuse these claims and assumptions with an unwonted liberality of spirit. In concrete terms, indeed, he offered no very clear concessions; a state, he argued, must show religious preference if it is to uphold faith and morals, and political disqualification of dissenters was entirely reasonable. But such distinctions need not, in Boucher's optimistic view, pervade private society, where Christian charity should govern the relations between one person and another. Yet it seemed to him that "religious delusions and errors, which should be the most readily pardoned, are, in general, the least so. . . ." <sup>5</sup> While acknowledging the sanguinary record of Christian persecutions, he was persuaded that Christianity, by breaking down the "partitions" between man and man and making humanity one, was properly the most tolerant of religions. Its votaries were bound by the example of Christ Himself not to go beyond Christian remonstrance and the setting of a good example in their dealings with dissenters.<sup>6</sup> No religious group, Boucher granted, had a monopoly on wrong principles, and if the Roman Catholics were doctrinally "far gone in error," he told his congregation, still Anglicans had no right to "constitute ourselves their judges."<sup>7</sup>

Boucher added the practical liberal argument that intolerance, while capable of supporting for a time a false religion, was necessarily injurious to the true. The superior arguments of Protestantism, he supposed, might have prevailed far more successfully over Catholicism but for Protestant "want of charity."<sup>8</sup> Bigotry simply impeded the progress of truth. Although he believed that progressively gentler treatment of Catholics in Maryland and elsewhere had indeed contrib-

3. Thomas O'Brien Hanley, "The Catholic and Anglican Gentry in Maryland Politics," *Historical Magazine of the Protestant Episcopal Church*, 38 (June, 1969): 143-51. Albert Warwick Werline concludes that despite the penal laws, "a sort of mutual understanding enabled the older Catholic families to maintain their faith and rear their children in it" (*Problems of Church and State in Maryland During the Seventeenth and Eighteenth Centuries* [South Lancaster, Mass., 1948], 56).

4. Thomas O'Brien Hanley, *Charles Carroll of Carrollton: The Making of a Revolutionary Gentleman* (Washington, D.C., 1970), pp. 40-46; Werline, *Church and State*, pp. 69-72.

5. Boucher, *Causes and Consequences*, pp. 248, 252, 260. Boucher was so far from disavowing religious tests for political rights as to say that "in profession we are unexceptionable," while falling short in the practice of toleration (*ibid.*, 254).

6. *Ibid.*, pp. 250-52, 257.

7. *Ibid.*, pp. 255-56.

8. *Ibid.*, pp. 256, 267.

uted to the decline of "Popery," Boucher acknowledged ironically that to Catholics, "we seem to be Protestants only in theory: in the worst and most odious features of Popery, we are still unreformed; we are bigots, uncharitable and intolerant; we are persecutors. . . ."<sup>9</sup>

In making the case for tolerance, Boucher understandably felt it necessary to allay specific anti-Catholic fears and apprehensions. Reiterating his endorsement of religious tests for political rights, he emphasized that "every kind of discountenance or discouragement, which is not absolutely necessary, is a species of persecution." Considered in this light, it seemed to him that Catholics should simply be on the same footing with other dissenters. (This would have been a radical change in Maryland, where Protestant dissenters could worship publicly, vote, and hold office. Just how Boucher would have reduced the rights of dissenting Protestants, increased those of Catholics, or both, in order to bring about a parity, is left unclear.) The old taint of Jacobitism, Boucher thought, no longer required Catholics to be singled out for special treatment. Indeed, their attachment to the Stuarts, whom Boucher himself admired, did them in his view no real dishonor, but was an example of the loyalty to established government that their faith enjoined. Neither necessarily servile nor prone to rebelliousness, Catholics could be as good subjects as others.<sup>10</sup> There were other kind words: Catholics were due Protestant gratitude for the preservation of civilization during the Middle Ages, for Magna Charta and the foundations of the British constitution, and even for preparing the way for the Reformation. There were liberal and reforming influences at work in modern Catholicism, and Boucher held out the possibility of an eventual union of the Anglican, Roman, and Presbyterian churches. In this long perspective, persecution of Catholics seemed petty indeed, and all the more "disgraceful" in a colony settled so that they might enjoy their religion unmolested.<sup>11</sup>

This deduction of liberal sentiments from impeccably conservative presuppositions was not the anomaly that it might first appear. Upon publishing the sermon in 1797, Boucher frankly acknowledged his motives in preaching it:

When this sermon was delivered, the Catholics of Maryland (who were at that time, both in point of property and respectability, of no ordinary weight in the community) seemed to hesitate and to be unresolved what part they should take in the great commotions of their country, which were then beginning. Their principles, no doubt, led them to side with the Government; whilst their inclinations, and (as they then thought) their interest, made it their policy to be neutral: but it soon became easy to foresee that neither they, nor any others, would long be permitted to

9. *Ibid.*, pp. 283-84, 268. "Bigots of all communions," Boucher commented, "are the same: and none are less charitable, or more intolerant, than certain declaimers against Popery; who yet incessantly rail at Papists for their intolerance and bigotry" (*ibid.*, 263).

10. *Ibid.*, pp. 269-71, 274-78. Barker notes the exercise of political rights by Protestant dissenters (*Background of the Revolution*, pp. 44, 179).

11. Boucher, *Causes and Consequences*, pp. 281-82, 264, 290. Boucher noted that Protestants were sometimes overly concerned about notions which intelligent Catholics had never emphasized, or which belonged to "dark and ignorant ages." He remarked too that Catholics were generally more polite in religious controversy than Protestants (*ibid.*, pp. 280, 282).

enjoy a neutrality. Important and interesting to them as the decision was, it was a question that could be determined only by prudential considerations. The persons in America who were most opposed to Great Britain, had also, in general, distinguished themselves by being particularly hostile to Catholics; but then, though dissenters and republicans were their enemies, the friends of Government could hardly be said to be their friends. In America, if they joined Government, all they had to look for was to be bitterly persecuted by one party, and to be deserted by the other. Hence, for some time, they appeared to be wavering and undetermined. This irresolution drew down on them many suspicions, censures, and threats. In order to save them from persecution, and to inspire them with ideas favourable to Government, this discourse was composed.<sup>12</sup>

Boucher, as one of the most prominent members of the Anglican clergy in Maryland, and one of the staunchest supporters of its proprietary government, might well have hoped to have influenced the Catholics' course. A man who through a combination of ability, will, and good fortune had achieved a position in America to which he could hardly have aspired in England,<sup>13</sup> Jonathan Boucher had a healthy sense of his own importance. A native of Cumberland, he had emigrated to Virginia to take an opening as tutor in 1759. A vacancy in Hanover Parish in King George's County, Virginia, had prompted him to return to England for ordination three years later. He moved to Maryland in 1770, having obtained the more lucrative and prestigious parish of St. Anne's in Annapolis. Only thirty-two the year of his removal to Maryland, Boucher seemed rapidly and securely to establish himself in the colony. He acquired land and slaves, contracted a happy and advantageous marriage, and as first president of the Homony Club in Annapolis mixed with leading members of the Maryland gentry.<sup>14</sup>

Politically, however, Boucher's path soon became a rough one. Although his views on the Anglo-American controversies of the 1760s had been decidedly Whiggish in tone, he was soon "set down as a Government-man" in Maryland. One reason for this alignment was his self-described "confidential intimacy"

12. *Ibid.*, pp. 241-42. Boucher had hinted at these reasons in 1774. Noting that Catholics in Maryland had respectability and standing, he told his congregation that "all sound policy must protest against our provoking such a people to become our enemies; and Christianity is shocked by our driving them, by repeated wrongs, still farther from our communion" (*ibid.*, p. 290).

13. Shortly after his return to England during the Revolution, Boucher lamented that he was "fit only for America. There, I have some Character & Note—here, every Body I see eclipses Me" (Boucher to unknown recipient, January 8, 1776, in "Letters of Rev. Jonathan Boucher," *Maryland Historical Magazine*, 8 [December 1913]: 345).

14. Boucher gave his own account of his early life in *Reminiscences of an American Loyalist, 1738-1789. Being the Autobiography of the Revd. Jonathan Boucher, Rector of Annapolis in Maryland and afterwards Vicar of Epsom, Surrey, England*, ed., Jonathan Bouchier (Boston and New York, 1925). I briefly discuss his character and early life in "Jonathan Boucher: The Mirror of Reaction," *The Huntington Library Quarterly*, 33 (November, 1969): 20-22; and "Jonathan Boucher's Causes and Consequences," *The Colonial Legacy: Loyalist Historians*, ed. Lawrence H. Leder (New York, 1971), pp. 90-100. On Boucher's role in the Homony Club and his association with the prominent Dulany family, see Aubrey C. Land, *The Dulany of Maryland: a Biographical Study of Daniel Dulany, The Elder (1685-1753) and Daniel Dulany, The Younger (1722-1797)* (Baltimore, 1968), pp. 281, 299-300. Boucher moved to Queen Anne's Parish in Prince George's County, Maryland, in 1772 (*Reminiscences*, pp. 73-74).



with the proprietary governor, Robert Eden; a more basic one was his role as spokesman for the Established Church, about which, despite the fortuitousness of his ordination, he was so serious as to be at times impolitic.<sup>15</sup> In a period of increasingly vocal religious dissent and distrust of the Church of England, he condemned the dissenting Protestant sects as "a confused heterogeneous mass of infidels and enthusiasts," and campaigned so energetically for an American episcopacy as to embarrass the proprietary government. The denial of Anglican bishops to America, he maintained, was the only real infringement of religious liberty remaining in the British dominions.<sup>16</sup> Most damaging politically to Boucher was his defense of the church against the efforts led by William Paca and Samuel Chase to reduce ecclesiastical fees, a campaign which eventuated in a personally bitter newspaper debate with the Whigs' "two chief demagogues" in 1773.<sup>17</sup> Clearly identified with the "court party" which supported the Eden administration, Boucher could offer concessions to Catholics without political incongruity. Although Anglican since 1715, the proprietary had been friendlier toward Catholics than other elements in the province. On the other hand, as Boucher noted later, the Quebec Act had occasioned "violent resolves of County Committees against Papists," and such outbursts of bigotry on the part of the Whigs must have seemed a golden opportunity to their opponent.<sup>18</sup>

Boucher's consequent support for the religious toleration of Catholics has won him praise as a champion of minority rights and as a "man eager to preserve and increase human freedom. . . ." <sup>19</sup> Catholic historians have cited him as an exception to the almost universal anti-Catholicism of colonial Protestants, although one, Peter Guilday, wrote scathingly of the clergyman's "hypocrisy" in appealing for sympathy for Catholics in order to "enlist their sympathies against the Puritan rebels of Massachusetts and Virginia."<sup>20</sup> Exceptional Boucher certainly was, especially in his stout denial that Catholics posed any unusual threat to the state, but certainly the portrayal of him as a libertarian must be severely circumscribed by the circumstances of his 1774 sermon and the bounds

15. Boucher, *Reminiscences*, p. 104. Evidence for Boucher's earlier Whiggish views is contained in letters to John James, December 9, 1765, and July 25, 1769. In the latter he described American opposition to British policies as "the most warrantable, generous, & manly, that History can produce . . ." (*Maryland Historical Magazine*, 7 [September, 1912], 295; 8 [March, 1913], 44).

16. Boucher, *Causes and Consequences*, pp. 77, 137. On the proprietary government's hostility or indifference to an American episcopate see Werline, *Church and State*, pp. 108-9; and Thomas O'Brien Hanley, *The American Revolution and Religion: Maryland, 1770-1800* (Washington, D.C., 1971), pp. 15-16.

17. Boucher, *Reminiscences*, p. 70; *Maryland Gazette*, December 31, 1772-May 27, 1773.

18. Hanley, "Catholic and Anglican Gentry," pp. 144-45; Boucher, *Causes and Consequences*, p. 255. Boucher recalled in 1797 that on the eve of the Revolution, "without any apparent new cause, and certainly without any fresh provocation, all the old prejudices against Papists, even more than against Popery, were all at once revived; and the people of that communion forced to forego their principles, (at least in points relating to government,) that they might preserve their properties from confiscation, and their persons from exile . . ." (*ibid.*, p. xxv).

19. Robert G. Walker, "Jonathan Boucher: Champion of the Minority," *William and Mary Quarterly*, 3rd Series, 2 (January, 1945): 3 and *passim*.

20. Ray, *American Opinion of Roman Catholicism*, pp. 113, 392-93; Charles H. Metzger, S.J., *Catholics and the American Revolution: a Study in Religious Climate* (Chicago, 1962), pp. 84-87; Peter Guilday, *The Life and Times of John Carroll, Archbishop of Baltimore (1735-1815)* (New York, 1922), p. 70.

to toleration which he himself proposed. Unless it can be shown that he expressed views which he did not in fact hold, however, "hypocrisy" may be less just a verdict of him than "opportunism." Although his later expressed intent to save Maryland Catholics from persecution cannot be automatically discounted, it seems safe to say that but for the hope of keeping them loyal to the proprietary government in 1774, there would have been no sermon "On the Toleration of Papists." That Boucher stated to his congregation that he regarded it as his Christian duty to speak out on the subject, and regretted not having done so sooner,<sup>21</sup> does not alter this judgment.

The more interesting question is not that of the exact composition of Boucher's motives, which in any case can never be known, but that of the intellectual bases for his position: what elements of personal and ecclesiastical outlook permitted an eighteenth-century Anglican minister to argue openly and plausibly for sympathy toward members of a church long regarded by Protestants as the deadliest of spiritual enemies? From the negative standpoint, evidence is lacking that Boucher was ever more hostile to "Popery" than would be required of one in his office. He rejected Catholic "error" forthrightly enough, but on that subject the emotional intensity with which he attacked Protestant dissenters was entirely absent.<sup>22</sup> By the time he published his *View of the Causes and Consequences of the American Revolution* in 1797, he was conscious of a common Christian cause against the French Revolution which seemed to diminish sectarian differences. Nevertheless, it is notable that he showed no disposition to turn on those who had disappointed his hopes. He attributed the defection of Maryland Catholics to the decisive role of Charles Carroll of Carrollton, whom he characterized as "the Duke of Norfolk, of Maryland" in prestige, and who he suggested was actuated by personal ambition. Although noting that Carroll had so far succeeded as to become a member of Congress, and that his relative had become "the Popish Bishop in the State" (John Carroll, who Boucher noted had a reputation as a man of "worth and abilities"), he refused to believe that Maryland Catholics had gained much by the Revolution. He concluded that like people of other faiths, the Catholics had not had "the fortitude to withstand a rebellion which was already begun," but that they were clear of any suspicion of having instigated it. Moreover, Boucher paid post-Revolutionary Catholics the double compliment of observing that they had not "been found to be either refractory or turbulent subjects under a Government of which it is hardly possible that they can cordially approve."<sup>23</sup>

Such attitudes gave no substance to the charge which Boucher apprehended

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21. Boucher, *Causes and Consequences*, pp. 254-55.

22. About as harsh a reference as Boucher seems to have made to Catholicism publicly was a comment in a 1769 sermon on the effect of Protestant divisions: "Whilst we are unhappily busied in undermining our own foundations, the common enemy stands ready to enter in at the breaches we make ready for him." But the subject of the sermon was "Schisms and Sects," and the brunt of his attack was borne by Protestant sects as posing a challenge to the authority of the Church comparable to the challenge posed by political factions to the authority of the state. Boucher remarked that if the Church of England were undone, it would be by Protestant rather than "Papist" hands (Boucher, *Causes and Consequences*, pp. 70, 76, 80).

23. *Ibid.*, pp. 242-44.

might be made against him in 1774, that he was "*edging towards Popery*."<sup>24</sup> But they were at least consonant with the paternalistic brand of tolerance toward which even the less liberal Anglo-American thought tended in the eighteenth century. Long after the strictures against Protestant dissenters had been relaxed, the legal position of Roman Catholics in Great Britain itself had remained dismal; until 1778, "the whole weight of the penal code continued to threaten them." But the most persuasive reason for discrimination between Protestants and Catholics had been the alleged subversive tendencies of the latter, and with the collapse of Jacobitism as a serious political force after 1746 this seemed of decreasing urgency. Anti-Catholicism in the second half of the century settled largely into the popular and emotional phenomenon which erupted in the Gordon Riots of 1780. Preference for the Established Church, but tolerance for others, was a rule from which it was increasingly difficult to exclude Catholics. (As in Maryland, it might be impolitic to do so; the Irish Act of 1774, which permitted Irish Catholics to swear allegiance and become British subjects, was passed by Parliament with the hope of ensuring their loyalty in the American struggle, and the Franco-American alliance of 1778 helped English Catholics to win repeal of penal laws against them in that year).<sup>25</sup> It is notable too that Edmund Burke, whose political philosophy paralleled Boucher's in important aspects, was like the Marylander both a champion of the Established Church and an advocate of broad toleration for dissenters, at least before the French Revolution.<sup>26</sup>

As Burke's example suggests, a traditionalistic understanding of society did not preclude sympathy for social minorities. Eighteenth century views which we now characterize as conservative were paternalistic in ways compatible with some measure of liberality and reform. Boucher in his earlier preaching career had taken melioristic positions on certain of the more important social questions of the day. He had urged that the Indians be regarded as candidates for civilization rather than for extermination, and had suggested ways by which they could be adapted to settled agriculture. Though himself a slaveowner who denied neither the legality nor the humanity of slavery, he had spoken in favor of the abolition of the institution as one injurious to society at large.<sup>27</sup> But on such issues Boucher shied away from absolute moral judgments and universal solutions. His perspective was that of the Christian minister proposing good works and organizing acts of charity, rather than that of the modern secular reformer. He complained near the end of his life of "the injury done to pure

24. *Ibid.*, p. 288.

25. Richard Burgess Barlow, *Citizenship and Conscience: A Study in the Theory and Practice of Religious Toleration in England During the Eighteenth Century* (Philadelphia, 1962), pp. 76, 212, 203-5. Although he seldom had a good word for the heroes of the Enlightenment, Boucher was not untouched by their thought. He praised Voltaire for his defense of Calas, and acknowledged John Locke as "the ablest advocate" of toleration, despite the latter's failure to include Catholics in his theory of toleration (Boucher, *Causes and Consequences*, pp. 253, 257, 259).

26. Sir Leslie Stephen, *History of English Thought in the Eighteenth Century*, 2 vols. (New York, 1902), 2:229-31; Barlow, *Citizenship and Conscience*, pp. 171, 269-70. On the parallels between Burke and Boucher, see Clark, "Jonathan Boucher: The Mirror of Reaction," pp. 26-27; and Zimmer and Kelly, "Jonathan Boucher, Constitutional Conservative," pp. 898, 912.

27. Boucher, *Causes and Consequences*, pp. 29-41. Boucher proposed that "large and liberal bounties" be granted for Indian agricultural produce (*ibid.*, p. 36).

morals, legal justice, genuine loyalty, and true religion, by that ape of *mercy*, modern philanthropy; which, under the pretence of befriending the whole human race, disturbs the peace and destroys the happiness of all its own nearest and dearest connections."<sup>28</sup> His stand on Catholic toleration, urging more sympathetic treatment of Christian neighbors while avoiding any grand principles of equal rights, well accorded with this older tradition of meliorism.

Yet if Boucher eschewed the rationalistic universals of the Enlightenment—to be so alarmingly distilled during his lifetime in the slogan "Liberty! Equality! Fraternity!"—the counterpoint to Christian meliorism was a Christian universalism, the logic of which sought always to comprehend all of life in one system. As applied to the relation between church and state, the Old Testament provided a standard archetype of unity which was notably attractive to Boucher. Despite the "*stiff-necked and rebellious*" quality in the ancient Jews, which Boucher cited to good advantage in his preaching on American problems, the clergyman greatly admired the Biblical Jewish "theocracy."<sup>29</sup> Although the Jews may have been surpassed in the arts and sciences, he concluded in 1798, "there certainly never was a nation so truly *great* in all those points which constitute the perfection and felicity of social life. . . ." The Jewish system of laws, strict yet benevolent, owed their superiority, he thought, to their "being founded on religious principle."<sup>30</sup>

The Jews, Boucher was aware, were exceptional in their theocratic relation to God, and even the British constitution could not aspire to Biblical standards. But Israel served as a true model to the extent that Great Britain claimed its superiority among modern states "no less from its civil, than it does from its religious institutions. . . ."<sup>31</sup> Boucher was not a theocrat. But he did entertain an ideal of society for which the Biblical theocracy was one source of inspiration: society as based on divine and therefore on universal principles. To this was joined a vision, which seems essentially medieval in spirit, of society as a harmonious union of unequal ranks and interests:

It was the purpose of the Creator, that man should be social but without government, there can be no society; nor, without some relative inferiority and superiority, can there be any government. A musical instrument composed of chords, keys, or pipes, all perfectly equal in size and power, might as well be expected to produce harmony, as a society composed of members all perfectly equal to be productive of order and peace.<sup>32</sup>

28. Jonathan Boucher, *A Sermon, Preached at the Assizes Held at Guildford, July the 30th, 1798, Before the Right Honourable Lord Chief Justice Kenyon, and the Honourable Sir Francis Buller, Bart. Published at the Unanimous Request of the Gentlemen of the Grand Jury* (London, 1798), p. 10.

29. Boucher, *Causes and Consequences*, pp. 458, 52.

30. Jonathan Boucher, *A Sermon, Preached at the Assizes Held at the City of Carlisle, August the 12, 1798. Before the Honourable Sir Giles Rooke, Knt. one of the Justices of our Lord the King, of the Bench, and The Honourable Sir Soulden Lawrence, Knt. One of the Justices of our said Lord the King, Assigned the Hold Pleas Before the King Himself* (Carlisle, 1798), pp. 6-7.

31. Boucher, *Causes and Consequences*, p. 329; Boucher, *Sermon at Carlisle*, pp. 7-8. At Carlisle (1798) Boucher noted that the United States had imitated the British constitution, although omitting the essential monarchical element (pp. 8-9).

32. Boucher, *Causes and Consequences*, p. 515.

This ideal of the harmonious society contains an inherent tension. Its logic demands the exclusion from social participation of any disharmonious elements; yet the same logic requires society to be as comprehensive as possible in order for the harmony to be complete. Groups or individuals who are not accorded the right of participation on any level are an affront to the design of the whole. Moreover, the ideal contains an ecumenical implication: why should not harmonious relationships, conceived to derive from universal principles, be universalized? Jonathan Boucher exemplified the tension. He had preached bitterly against the sin of schism, which he defined as "a needless separation from a church, which has all the requisites and characteristics of a true church." He had rejected a loose latitudinarianism, remarking that "when mankind have once been brought to think that one religion is as good as another, the next step is to conclude that the thing itself is not of much moment. . . ." <sup>33</sup> His refusal to disavow religious tests in politics was the clearest sign of his willingness to exclude the heterodox.

Yet Boucher showed too an ecumenical disposition, which though not entirely alien to the eighteenth century, is nevertheless striking. His early ecumenicism in religion was paralleled by later political speculations of a universalizing tendency. Like some other Loyalists in the wake of the British defeat (and in his case also in response to the menace of revolutionary France), he was unwilling to give up the idea of a restored Anglo-American connection. In 1797 he broached the idea of an eventual transatlantic "foederal union." Britain and America, along with the British dominions in India, would then be joined by a "triple cord of irresistible strength" capable of realizing the ancient "project of universal Monarchy, . . . the sure harbinger of an universal peace." <sup>34</sup>

The religious counterpart to this grand federative scheme, the Anglican-Roman Catholic-Presbyterian Union which Boucher had suggested in the sermon "On the Toleration of Papists," was more than the chance comment or the calculated tactic of pre-Revolutionary debate. Certainly it was not without precedent in Anglican tradition. Norman Sykes calls attention to the interest of Anglican divines in possible ententes with the Gallican and Eastern churches during the reign of Charles II, and the inclination of the Cambridge Platonists of the same period "towards measures directed to the assuagement of differences and bitterness between the various Christian Churches." The Hanoverian Church, Sykes notes, was dominated by a latitudinarianism of which a search for "a formula of reconciliation between the warring Christian sects" was one

33. *Ibid.*, pp. 56, 190. Boucher had also suspected the motives of some of the advocates of toleration. In a sermon dated 1769, he remarked that James II had followed a policy of toleration "more to promote the interests of Popery than from any real regard to tender consciences. Just so, the fashionable writers of our day are the unwearied advocates of toleration, not from any real principle of universal charity, but, as is much to be feared, with a latent view of serving the causes of deism and revolution" (*ibid.*, p. 60).

34. *Ibid.*, pp. lxxiii-lxxviii. Boucher suggested also that Britain might protect herself from the peril of revolution by moving the seat of her empire to India, there to repair her constitution "undisturbed by republican projects, so abhorrent to the genius of Asia" (*ibid.*, p. lxxxiii). Mary Beth Norton notes Loyalist hopes for renewed Anglo-American connection in *The British-Americans. The Loyalist Exiles in England, 1774-1789* (Boston, 1972), p. 254.

manifestation.<sup>35</sup> Boucher was sufficiently well-read to be aware of such ecclesiastical currents, citing in his "Toleration" sermon, for example, the early eighteenth century proposal of the non-juring high churchman Charles Leslie for a union between Anglicans, Roman Catholics, and Protestant dissenters.<sup>36</sup>

Boucher's own view in 1774 was "that a re-union of Protestants and Papists, on almost any terms, is an event for which all good Christians are bound most cordially to pray." Including both Anglicans and Presbyterians, such a union would make "*one fold under one Shepherd*" the three religious bodies which comprised a majority of the people of the British Empire. Boucher did not suggest any definite plan of union, but implied that the churches might join in the essential elements of faith while maintaining their separate rites.<sup>37</sup> Being "not so blindly partial as to think every thing wrong either in the Church of Rome, or in that of Scotland," he was willing to make "some sacrifices" to the sensibilities of both. All the churches involved, he was aware, would have to make significant concessions, although in a sermon five years earlier, he had pointed out that the Church of England "preserves an happy medium between the two extremes of Popery and Presbyterianism; and is, therefore incontestably the fittest centre of union." Whatever the sacrifices which would have to be made, they would be more than counterbalanced by the access of national unity and the discouragement of "sects and parties" that union would achieve. In particular, he reiterated, he knew of no measure "so likely to put an end to schisms and sects as a reconciliation and coalition between Catholics and Protestants of the Church of England."<sup>38</sup>

The last comment underscores, if any underscoring is necessary, the limits of Boucher's tolerance. A sympathetic and flexible approach to the Roman Catholic Church would reduce the heterodoxy which he was not so incidentally convinced underlay much of the political dissension of British America.<sup>39</sup> But Boucher's position is of course more liberal in the context of the eighteenth century than it would be in that of the twentieth. Toleration of dissenting religions and the equal political status of religions were in the earlier period separate issues. Boucher believed that the state must show a religious preference, even while tolerating

35. Norman Sykes, *Church and State in the XVIIIth Century* (Hamden, Conn., 1962), pp. 18-19, 268, 343.

36. Boucher, *Causes and Consequences*, pp. 264-65.

37. *Ibid.*, pp. 264, 261-62. "Agreeing in this fundamental principle, as the members of the respective Churches of England, Scotland, and Rome, all do, that religion is most safe under the shelter and guardianship of a national establishment," Boucher supposed, "there is reason to hope that, in the present temper of the world, if an authorised and legal conference of some leading persons among each of the three parties above mentioned could be brought about, they might form, if not a complete union, yet some general consolidating plan, in which a majority of their respective people would be happy to concur" (*ibid.*, p. 288).

38. *Ibid.*, pp. 264, 75, 287. Boucher's ecumenical interests had a late echo in his efforts in 1800 to promote a greater unity between "the several Episcopal Congregations" in Scotland and England (Letter, Boucher to Bishop John Douglas, February 9, 1800, British Museum, Egerton MSS. 2186, fol. 110).

39. That there was a close connection between religious and political dissent was a theme to which Boucher returned time and again. E.g. in *Causes and Consequences*, p. 79, he asserts that "sects in religion, and parties in politics, generally prevail together. By a sort of mutual action and re-action they produce one another; both, in their turns, becoming causes and effects."





# The Capture of Colonel Moses Rawlings

DALE J. SCHMITT

**J**ULY 4, 1776, WAS AN IMPORTANT DAY IN THE LIFE OF CAPTAIN MOSES RAWLINGS of Maryland. On that day he and two fellow officers left New York City to appear before the Continental Congress in Philadelphia as the official representatives of General George Washington. The task assigned them by the commander-in-chief was to assist the Congress in the formation of a new battalion of riflemen. Washington, impressed by the performance of the original ten rifle companies recruited in 1775, was anxious to keep such a force available for the upcoming campaign around New York.<sup>1</sup> The original Pennsylvania rifle companies had already been absorbed into the 1st Continental Infantry and the Virginia rifle company of Daniel Morgan had been captured at Quebec. The three remaining rifle companies, the Maryland companies of Captain Rawlings and Captain Otho Holland Williams and the Virginia company of Captain Hugh Stephenson, operated as independent units within Washington's army at New York.

In April 1776 Washington had written to Congress pointing out the value of the riflemen and asking that some effort be made to encourage their service beyond the end of the present enlistment on July 1, 1776.<sup>2</sup> In June Congress responded to this request by authorizing the recruitment of a rifle battalion using the three existing companies as a nucleus. Captain Stephenson was appointed colonel of the new regiment with Rawlings as lieutenant-colonel and Williams as major. In addition to their three companies, four new ones were to be raised in Virginia and two in Maryland. Enlistment terms were for three years and Congress allowed a bounty of ten dollars for each new recruit. Congress also requested that Washington send advice on filling the appointments to the new regiment.<sup>3</sup> On July 4 Washington sent Stephenson, Rawlings, and Williams to Philadelphia with a list of recommendations.

For the next month Rawlings was busy organizing and recruiting the new regiment. It had been only one short year since he had marched the 550 miles from Frederick, Maryland, to Boston as a lieutenant in the rifle company of his old friend, Michael Cresap. Rawlings had succeeded to the command of the company that same October when Cresap died. Rawlings's company had served

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Professor Dale J. Schmitt teaches history at East Tennessee State University, Johnson City, Tennessee.

1. George Washington to the President of Congress, July 4, 1776, in *The Writings of George Washington*, ed. John C. Fitzpatrick, 39 vols. (Washington, D.C., 1931-44), 5: 216.

2. George Washington to the President of Congress, April 22, 1776, in *ibid.*, 4: 501-2.

3. Gaillard Hunt, ed., *Journals of the Continental Congress*, 34 vols. (Washington, D.C., 1904-37), 5: 486.

well at the siege of Boston, and Rawlings was now anxious to demonstrate his leadership in a larger undertaking.<sup>4</sup>

Rawlings's opportunity became even greater in August 1776 when Hugh Stephenson died suddenly. Lieutenant-Colonel Rawlings took command of the regiment, naturally assuming that he would soon be promoted officially to colonel. Kept secret even from him was the fact that command of the regiment was being held vacant for Captain Daniel Morgan, then a prisoner of the British. By the time Morgan arrived to turn down the offer in favor of one as colonel of the 11th Virginia Regiment, Rawlings himself was a prisoner.<sup>5</sup>

Though recruitment of soldiers was painfully slow, Rawlings soon had about 250 riflemen under his command. In August 1776 Washington assigned what was still called Stephenson's Regiment to duty at Fort Lee.<sup>6</sup> Situated on the New Jersey side of the Hudson River, Fort Lee in cooperation with Fort Washington on the opposite shore was supposed to prevent British ships from using the river to get behind Washington's lines on Manhattan Island. Despite the forts' artillery and the line of obstructions in the water between them, the task of General Nathanael Greene, who commanded in this sector, was extremely difficult.

Rawlings's riflemen, however, probably enjoyed their duty at Fort Lee. Despite the lack of adequate facilities, which made camp life uncomfortable, there was little chance of enemy attack. The Maryland soldiers already in the regiment were anxious to talk with the hundreds of freshly arrived Marylanders assigned to the Flying Camp, a strategic force of mobile reserves, in New Jersey. This relatively easy duty, however, was the deceptive calm before the storm, and it lasted less than two brief months.

In October 1776 as Washington withdrew the American army from Manhattan Island, he accepted the opinion of General Greene that the Americans should try to hold the two key positions of Forts Lee and Washington. The military justification was that the two forts would retard enemy use of the Hudson River and would keep the British garrison in New York City on a short leash. Unfortunately this argument was based on Greene's assumption that Fort Washington could be held against a full-scale enemy attack. In mid October as the possibility of an attack on Fort Washington became more and more apparent, Greene began sending reinforcements across the river from Fort Lee. Among the units sent across the Hudson was the rifle regiment of Moses Rawlings.<sup>7</sup>

Arriving on Manhattan Island, Rawlings's riflemen discovered that the fortifications were much less impressive at close range than they had seemed from across the river. By working all summer hauling loads of dirt from the valleys below, Pennsylvania troops had managed to construct an earthen fort on top of the rock pile known as Mount Washington. Although the earthworks were

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4. Memorial of Colonel Moses Rawlings, undated MS, Rawlings Papers (MS. 1399) Maryland Historical Society, Baltimore.

5. George Washington to the President of Congress, September 28, 1776, in *Writings of Washington*, 6: 128.

6. Letter of Henry Bedinger to Rawlings' Heirs, September 29, 1830, Rawlings Papers.

7. *Ibid*; also see Henry P. Johnston, *The Campaign of 1776 around New York and Brooklyn*, (New York, 1971; originally published 1878, pp. 277-79.

sufficient to provide protection for the American artillery placements, the walls were ill suited for defense against assault. Within the walls were some half finished barracks and storehouses, but the shortage of wood and time had worked against the Americans.

Because of the obvious vulnerability of Fort Washington proper, the Americans had built a whole series of outworks to provide the primary defense of their position. These outworks made the most of the natural advantages of the high ground around Mount Washington. To the south, the most likely direction of a British attack, three parallel lines of entrenchments and dirt redoubts were stretched across the narrow neck of Manhattan Island between the Harlem and Hudson rivers. To the north the defense was centered around a group of hills which commanded both the post road and the Hudson River Bluffs. A similar position to the northeast protected the flat ground around the Harlem River. This position was connected with the southern defenses by a series of "fleches," or small two-sided earthworks, covering the bluffs facing the Harlem River.<sup>8</sup>

Duty at Fort Washington proved to be far more painful for Rawlings's men than anything they had known previously. The riflemen slept each night in the open air or on cold dirt floors of hastily constructed barracks. Each day they manned lines so close to the enemy that good-natured yelling between opposing sentries was almost as common as exchanges of rifle fire. Many of the men became ill, only to discover that the fort was sadly deficient in medical supplies. When not ill or on picket duty, the men worked on improving the defenses of the outworks.<sup>9</sup>

Soon after his arrival at the fort, Rawlings was assigned to the northern defenses of Fort Washington. His riflemen went to work fortifying a small hill known as Fort Tryon which guarded the main road as it moved up the wooded hill toward Fort Washington. On top of this hill Rawlings placed two small artillery pieces to command the open sections of the road below. Rawlings had his men fortify another small hill over closer to the Hudson. There he placed his third and last gun to prevent the enemy from using the flat ground near the river.

Day after day the Virginia and Maryland riflemen, numbering around 250, worked on their fortifications. Trees were felled and sharpened to form obstructions in the path of any attacker; rocks were gathered and added to the breastworks. Wherever possible the men dug trenches in the hard rocky soil which covered Mount Washington. And they waited.<sup>10</sup>

The first break in this monotonous routine came on the morning of October 27. Hugh Earl Percy, commanding the troops that garrisoned New York City, began an attack on the southern defenses of Fort Washington. Eventually nearly all the American troops were in the southern lines exchanging musket fire with the British. While the infantry battle raged in the south, two British frigates began moving up the Hudson with the evident intention of firing on the American fort. Colonel Robert Magaw's artillery, however, drove the ships off with considerable

8. *Ibid.*, pp. 277-78; see also the excellent account of Fort Washington in Richard M. Ketchum, *The Winter Soldiers*, (Garden City, N.Y., 1973), pp. 126-30.

9. Ketchum, *Winter Soldiers*, pp. 126-30.

10. Moses Rawlings to Major General Henry Knox, Secretary of War, undated MS, Rawlings Papers.

damage and Percy soon broke off the engagement. The action of Sunday, October 27, convinced many American officers that the fort really could be held against a British attack, and there was a resurgence of confidence in the strength of the position on Mount Washington.<sup>11</sup> Some of the regular soldiers, however, may have been less sure. Those who had seen action before may have realized that this had not been a full-scale enemy attack on the fort and that nothing had been proved one way or the other.

Yet for a few days after the battle the Americans worked with a renewed vigor. Victories for the Americans in 1776 were so scarce that even minor ones could work wonders for morale. And for a while in late October there was hope that the painfully constructed breastworks would never be needed. General William Howe and the main British army were off in Westchester County pursuing Washington, and there was no telling what might happen there. Hugh Percy had felt out the American lines without finding any apparent weaknesses. Perhaps he had been discouraged for good.

Then in early November this air of confidence among the American soldiers began to crumble. On the morning of November 3, Rawlings and his riflemen received the first disquieting news. Colonel Magaw's adjutant, William Demont, had deserted the fort and evidently fled to the British. If there had been any secrets about the defenses of the fort before, there certainly were none now. Demont's treachery could only make the Americans' task more difficult. Soon more bad news arrived. On November 5 the British frigate *Pearl* and two smaller ships successfully crossed the Hudson River obstructions and took up a position above Fort Washington. Though American guns had damaged the *Pearl*, the ship was still in fighting shape and was particularly menacing to Rawlings's position in the works north of the fort. About this same time Rawlings and the other officers received reports that Howe's army was falling back toward Manhattan Island.<sup>12</sup> No other conclusion was possible than that Howe was preparing to attack Fort Washington.

Within days Howe's troops began arriving on the north end of the island. Rawlings and his men watched closely as the enemy threw up breastworks, dug trenches, set up camps, and hauled in artillery. The bright blue-and-white uniforms identified them as the newly arrived Hessian force of General Wilhelm Baron von Knyphausen. The Hessians were reported to be more than five thousand in number, and their unceasing activity in the valley below gave Rawlings no reason to doubt that their number was that large.<sup>13</sup> Rawlings's men went back to the work of fortifying their position with a new intensity.

With the enemy so close the days were now filled with minor skirmishes and exchanges of fire. For more than a week the Germans busied themselves on the north end of the island while the entrenched Americans became more and more tense. Each day the Marylanders and Virginians expected the attack; each evening they bedded down half glad and half sorry that it had not come.

11. *Letters of Hugh Earl Percy from Boston and New York, 1774-1776*, ed. Charles Knowles Bolton (Boston, 1972), pp. 72-75; also Ketchum, *The Winter Soldiers*, pp. 130-33.

12. Ketchum, *The Winter Soldiers*, pp. 133-34.

13. *Ibid.*, pp. 134-35; Bolton, *Letters of Percy*, pp. 72-75.

On the night of November 14 Rawlings and his riflemen noticed unusual activity among the enemy troops who had accumulated in large numbers around the fort's defenses. The following day, Friday, November 15, a British officer strode up to the fort and demanded its surrender. The American commander, Colonel Magaw, agreeing with General Greene that the fort could be held against even overwhelming odds, curtly refused the demand to surrender. Rawlings alerted his men to the fact that the British would certainly soon make an attack and that Colonel Magaw had committed them to a defense of the fort. But first they must wait some more.<sup>14</sup>

The explosions and whine of cannon balls early Saturday morning indicated this was to be the day so long awaited. The British shells came almost as a relief. They did little actual damage to the riflemen or their works, and they signaled the end of the period of waiting. The soldiers had had their fill of digging in the rocky soil; if there were to be a fight it was best to get it over with now.

All morning the men of Rawlings's command watched anxiously as the Hessian troops formed below the works. The bright colors of their uniforms contrasting with the dull hues of a late autumn, and the strange sounds of foreign commands ringing through the woods, gave the whole scene an air of surrealism.

Not everyone had the leisure to be a spectator. This would be the soldiers' last chance to prepare for the onslaught which would be coming soon. The crews labored over their guns in nervous anticipation of the coming drama. All along the line soldiers were adding the last touches to the defenses. Felled trees in the abatis—a kind of rough stockade—were adjusted to form a more imposing obstacle, shovelfuls of dirt were added to the breastworks to make them just a little higher, rocks were placed here and there to make them a trifle stronger.

Below, the Hessian officers decided that the only available open ground was too close to the enemy guns to use for forming up in ranks. Instead they drew up their men in columns under cover of a narrow strip of woods near the road. The Germans divided into two columns to attack the two American batteries which anchored the defensive lines above. The right column, an advance unit under Major Friedrich von Dechow, followed by the regiments of Koehler, Rall, Von Lossberg, and Waldeck, was to ascend the hill nearest the Hudson River. On the left was a column headed by Captain Medern supported by the Wutginau, Von Huyn, Von Knyphausen, and Von Bunau regiments. The Hessian left column was to take the American battery which guarded the road as it wound up the hill toward the fort.<sup>15</sup>

Delayed by the difficult terrain and the necessity of waiting for the British troops farther south to get in position, the German attack did not begin in earnest until late morning. As the Hessian soldiers struggled to keep their lines while advancing across the broken terrain, Colonel Rawlings rode along his lines giving last minute instructions to his troops.

On the American right the terrain worked to the advantage of Rawlings. The

14. Johnston, *The Campaign of 1776*, pp. 277–78.

15. Carl Leopold Baurmeister, *Revolution in America: Confidential Letters and Journals 1776–1784 of Adjutant General Major Baurmeister of the Hessian Forces*, (Westport, Conn, reprinted ed., 1973), pp. 69–70.

well-placed guns poured shot into the enemy ranks as they appeared in the open areas around the road while the riflemen delivered an effective individual fire from behind their breastworks. Yet the Germans kept coming.<sup>16</sup> Though they had suffered severe casualties, especially among the Wutginau Regiment, the Germans continued to advance and their musket fire began to have effect. During the heat of action a musket ball smashed into the leg of Colonel Rawlings, virtually incapacitating him. Rawlings continued to direct affairs in his immediate area, but he was forced to turn over command to Major Otho Holland Williams. The 250 or so riflemen, making maximum use of the advantages of terrain, were putting up a stiff resistance against the advance of eight regiments of professional German soldiers.<sup>17</sup>

Soon, however, the American officers at Fort Tryon were beginning to realize the hopelessness of the situation. The Germans had overwhelming superiority of numbers and the Americans were too few to hold their defensive positions against continued attacks. In addition, the rifles of Rawlings's men were beginning to foul from overuse. Even worse, the single American gun on the left was unable to reach the German column advancing up the hill toward the position on Cox Hill. The Hessians, in particular the regiment of Colonel Rall, had made it up the hill with little difficulty and were now engaging in a heated exchange of fire with the American defenders. The few riflemen there could not be expected to hold out long without artillery support.

The inevitable decision was hastened by the sound of explosion from Cox Hill. The Americans, unable to prevent the Germans from gaining the position, had fled from the hill, but not before setting fire to the supply of powder. The abandonment of Cox Hill left Rawlings with no choice. The German troops under Colonel Rall now had a clear path to Fort Washington; it would serve no purpose to continue to hold Fort Tryon. After all, Rawlings reasoned to himself, he had held off the German advance for some time and had inflicted heavy casualties upon them. If the troops in the outer defenses below the fort had done as well, the British would be in no shape to make an attempt on Fort Washington itself in the near future.<sup>18</sup>

The Virginia and Maryland riflemen fell back to the fort in good order, though breaking off from the enemy required some vicious exchanges of close order musket fire. At the fort Rawlings and his officers discovered their worst fears to be true. The British had had little trouble running over the defenses to the south and east and a large British force was now moving into position against Fort Washington. On the north the German forces of General Knyphausen were already forming up for an effort against the fort. Fort Washington, however, was ill equipped to withstand either an assault or a seige. Its high dirt walls could not be adequately manned even by the nearly 3,000 soldiers now crowded into its cramped interior. The fort lacked ditches, palisades, barracks, water, food, and all the necessities of war except soldiers.<sup>19</sup>

16. *Ibid.*

17. Rawlings to Knox, cited in note 10.

18. Baurmeister, *Revolution in America*, pp. 69-70; also Memorial of Colonel Moses Rawlings and Letter of Henry Bedinger.

19. Mark M. Boatner, *Encyclopedia of the American Revolution*, (New York, 1966), pp. 386-88.

The riflemen busied themselves in the fort tending to their many wounded, seeking out missing friends, and taking an account of the comrades whose bodies had been left at Fort Tryon. Of the fewer than 300 men who had fought under Rawlings that morning, about a dozen were now dead and another forty wounded. Among the wounded were both Colonel Rawlings and Major Williams. The knowledge that the Hessian attackers had suffered far heavier casualties was little consolation.<sup>20</sup>

It was with mixed feelings that the riflemen received the news in mid afternoon that Colonel Magaw had agreed to surrender the fort to the British. Just a little earlier Colonel Rall's regiment, in recognition of its important service against Rawlings's men, had been given the honor of approaching the fort and demanding its surrender. Colonel Magaw had at first hesitated, hoping that something might yet be salvaged from the day's disaster. General Greene, watching helplessly from Fort Lee across the river, requested Magaw to try to hold out until night when an effort would be made to evacuate the fort's garrison. Magaw, however, realizing that an attack on the fort would result in a slaughter of his men, agreed to the surrender terms.<sup>21</sup>

The fighting was now over; there would be no more killing this mild November day. For that Rawlings's men were grateful. They had fought well and they were still alive. And yet their future as prisoners of war held great uncertainty and foreboding. Many of them surely sensed that they would never again see their homes in Virginia and Maryland.

For Colonel Rawlings this foreboding was mixed with disappointment and intense physical pain. The bright hopes of the summer had been dashed in one brief November day. Though he did not yet know it, this day was only the beginning of a long ordeal for Rawlings. Ahead lay more than a year of confinement, a daring and dangerous escape, and several years of futile attempts to regain the active command he so earnestly desired. The loss of Fort Washington had been a tragedy for the American cause, but it was to be an even more devastating personal tragedy for Colonel Moses Rawlings of Maryland.<sup>22</sup>

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20. *Ibid.*, p. 388. Rawlings himself put the casualties at 52 (Rawlings to Knox, cited in note 10).

21. Ketchum, *The Winter Soldiers*, pp. 156-57.

22. Memorial of Colonel Moses Rawlings; also Rawlings to Knox, cited in note 10.



# Fighting for Food: British Foraging Operations at St. George's Island

JOHN M. LUYKX

**I**N MID JULY 1776, A BRITISH FLEET OF SOME EIGHTY VESSELS ENTERED THE POTOMAC and anchored to the east of St. George's Island in the mouth of the St. Mary's River in Maryland.<sup>1</sup> Soon thereafter British regulars landed on the island to forage for water, cattle, and provisions. For more than a fortnight major elements of the fleet remained in this area, raiding and plundering the island daily. They were constantly engaged or harassed by the Maryland militia which had assembled here and was positioned in the vicinity of St. George's Island. In early August the fleet weighed anchor and sailed away, never to be seen again in Maryland waters. Why had the fleet come to St. Mary's County, and how did the Maryland militia defend against the British raiding expeditions on the island?

During the years immediately preceding the American Revolution, the royal governors of both Virginia and Maryland were still recognized in their official capacity as representatives of King George III. They had, however, gradually lost power and influence as well as the respect of their colonial subjects. The Virginia governor, Lord Dunmore, originally popular in 1771 when he was appointed by the king, lost favor rapidly after he twice dissolved the Virginia House of Burgesses in 1772 and 1774. During this period the House of Burgesses had proposed the creation of a Committee of Correspondence for Colonial Grievances. When the governor secretly removed military stores from the provincial magazine at Williamsburg in April 1775, the exasperated Virginians forced him, his family, and his official entourage to evacuate Williamsburg and find refuge aboard a man-of-war of the British fleet.<sup>2</sup> In reprisal Lord Dunmore then commenced a series of predatory raiding expeditions from the stronghold of a small British fleet along the Virginia coasts, shores, and rivers, particularly in the James River, in the lower Chesapeake Bay, and in Hampton Roads. These raids were primarily intended to rally the many Loyalists who still remained in the colony and eventually to resume control of the colony from the Governor's Palace in Williamsburg.

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Mr. John M. Luykx, LCDR, USN (Retired), is Head of the Navigation Department at the Harry Lundeberg School of Seamanship, Piney Point, Maryland.

1. Jeremiah Jordan to the Maryland Council of Safety, July 15, 1776, in *The Archives of Maryland*, ed. William H. Browne *et al.*, 72 vols. to date (Baltimore, 1883-), 12: 51.

2. *Virginia Gazette*, June 9, 1775, Supplement.



In November 1775 Lord Dunmore declared martial law in the colony and at the same time proclaimed freedom to all the slaves in Virginia who would remain loyal and join the British. These measures so shocked the outraged Virginians that all support for the royal government by the predominant plantation class completely evaporated.

In revenge for the defeat in December 1775 of his Loyalist forces by a combined body of North Carolinians and Virginians at Great Bridge, Virginia, near Norfolk, Lord Dunmore ordered the burning of Norfolk. Following this extreme action, sentiment toward the governor and his loyalist followers reached such a low ebb that most of the prominent Tories in the Norfolk area and their families, with their servants and whatever baggage they could salvage, were forced to evacuate the city and board transports, tenders, and warships anchored off the Norfolk waterfront in the Elizabeth River. This group of ships was then formed into a quasi-fleet and herded together under the protection of several men-of-war including the 44-gun frigate *Roebuck*, which had arrived from Delaware Bay, and the 28-gun frigate *Fowey*.<sup>3</sup>

Without a friendly or secure haven in the tidewater area of Virginia, those embarked in this irregular fleet soon discovered that they could not come ashore anywhere in Virginia without risking attack or capture. They were forced to remain inactive and restless on board their ships, no doubt pondering their fate and damming the revolutionaries. Soon, due to lack of adequate provisions and water, fever, smallpox and general distress extended throughout the fleet. In a letter to Lord Germain, the Secretary of State for the Colonies, Lord Dunmore wrote:

Since writing your Lordship on 2d of April nothing very material has happened except our Change of Harbour which I found absolutely Necessary as we are constantly exposed to the fire of the Musketry of the Enemy (Elizabeth River not being above Musquet Shott over) and in daily expectation of their bringing heavier Mettal down against us . . . our Salt Provisions are quite expended and we have had no fresh. . . . I am extremely sorry to inform your Lordship that the Fever of which I informed you in my Letter No 1 has proved a very Malignant one and has carried off an incredible Number of our People, especially the Blacks. . . . I have done everything in my power to get the better of it, but I am sorry to inform your Lordship that all of our efforts have hitherto proved ineffectual. . . .

Up to this point Lord Dunmore's plans for re-establishing royal authority in the Virginia colony had been primarily offensive in nature—to gather a sufficient number of Loyalists about him and to resume his personal authority in Williamsburg by force of arms, if necessary. After the burning of Norfolk, however, his plans during the late winter and early spring of 1776 became more defensive. He found the strength of the Virginia revolutionaries too great to overcome without additional outside help. By May the Virginia colony had

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3. Narrative of Captain Andrew Snape Hamond, May 16 to May 31, 1776, Hamond Papers, Alderman Library, University of Virginia.

4. June 26, 1776, Public Record Office, Colonial Office, 5/1353, London.

declared itself a Commonwealth and had elected fiery Patrick Henry the first governor. This act effectively removed all royal authority from the former colony.

Lord Dunmore's primary concern now was to unburden himself of the large group of civilians marooned aboard the fleet, refugees who hampered his operations and consumed vast amounts of scarce water, stores, and provisions which required continual replenishment. When Captain Hamond of the *Roebuck* arrived with his ship in Hampton Roads from operations in Delaware Bay, he found Lord Dunmore's fleet in Hampton Roads in sorry condition and almost constantly harassed by the local Virginians.<sup>5</sup> A decision soon had to be made to land somewhere—a place where fresh water, cattle, and food could be obtained. Lord Dunmore planned to replenish the transports and tenders with their cargo of Loyalists and then order them to ports of safety outside the Chesapeake Bay—perhaps to Nova Scotia, the West Indies, or England.<sup>6</sup>

The area Captain Hamond, now the senior naval officer present, chose for this emergency foraging was Gwynn Island, near the mouth of the Rappahannock River in Virginia. The choice of Gwynn Island was based on reports that it was inhabited by "Friends of Government" and that it contained abundant livestock and fresh water.<sup>7</sup> On May 26 Captain Hamond ordered the fleet underway for Gwynn Island from Hampton Roads,<sup>8</sup> and the vessels arrived off the island the next day. On the 27th a landing was made and a tent camp was set up immediately for both the troops and the civilians.<sup>9</sup> However, forts, barricades, and entrenchments were soon erected when it was discovered that units of the Virginia militia under Brigadier General Andrew Lewis had arrived on the mainland which surrounded the island on two sides.<sup>10</sup> The island in some places was separated by only 200 yards of water from the Gloucester County shore.

On May 28, 1776, Captain James Nicholson of the 20-gun Maryland ship, *Defence*, cruising off the mouth of the Wicomoco River to the north of Gwynn Island, wrote the following report to the Maryland Council of Safety as he observed the arrival of the British fleet off the island: "Two hours Since I wrote you, since which have discovered five Sail of Topsail Vessels which had been at An Anchor off Windmill point one of them Wears A broad pendt [*sic*] suppose the Commadore. She and another Capital Ship is now underway Standing up the Bay, we apprehend there may be a Fleet under Windmill Point at anchor. . . . If I find it Necessary the Country shou'd be Alarmed I will fire A Gun every 15 minutes as I [come] up the Bay. . . ." <sup>11</sup>

Harassing cannon and musket fire from the shore surrounding Gwynn Island,

5. *Ibid.*

6. Captain Hamond's letters and narratives as well as Lord Dunmore's letters seem to indicate that a decision to leave the Chesapeake may have been suggested as early as the middle of May, before the military disaster at Gwynn Island and the severe damage caused by the storm on 11 July off Point Lookout.

7. Narrative of Captain Andrew Snape Hamond.

8. *Ibid.*

9. *Ibid.*

10. *Ibid.*; see also Edmund Pendleton to Thomas Jefferson, May 24, 1776, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton, 1950-), 1: 296, 297; and the *Virginia Gazette*, May 31, 1776.

11. *Archives of Maryland*, 11: 450-51.

combined with the rapid spread of fever and lack of water, soon made the island untenable. In a narrative of these events Captain Hamond wrote:

July 8th: The Springs of the Island dried up so much on account of the long dryness of the Season that water became difficult to be got near the Seashore. . . . 9th: The next day when I was preparing to Sail an event happened which obliged me to alter my design. This was two Batterys of heavy Cannon that the Enemy opened upon the Fleet and directed their Fire principally upon Lord Dunmore's Ship . . . every shot from the enemy struck the ship she cut her cable. . . . The Enemy then fired upon the Tenders in the Haven which obliged them to run ashore on the Island. . . . They were set on fire. . . . From the preparations of the Rebels it was apprehended that an attack was to be made upon the Island and being too weak to resist any considerable force. . . . My Lord Dunmore and the land officers were of the opinion that their Post on the Island was no longer tenable and accordingly determined on evacuating it immediately. . . .<sup>12</sup>

On July 9 the island was abandoned and the troops re-embarked. Much equipment and stores were left behind as a result of the hurried departure. Two days later the fleet weighed anchor and proceeded up Chesapeake Bay,<sup>13</sup> causing the alarm to be spread all along the bay and river shores of Maryland and Virginia.<sup>14</sup>

During the evening of the 11th in the midst of a strong gale, the fleet of about eighty ships of all sizes anchored to the southeast of Point Lookout off the mouth of the Potomac River. As a consequence of the gale which continued during the night, many of the ships were damaged and some ran aground and were wrecked or stranded by the heavy winds and seas. Concerning these recent events Captain Hamond again wrote in his narrative:

It is impossible to describe the distress and confusion that this floating Town was thrown into upon the sudden order for quitting the Island and preparing to sail. . . . most of them were entirely without fresh water . . . it was absolutely necessary that we should proceed to some place where the latter could be easily obtained. . . . The nearest place likely to answer these purposes was St. George's Island in the River Potowmack, wither we directed our Course the next day; but on our way thither was so roughly handled by a gale of wind at Nwt [sic] which took us at the Mouth of the River that several Small Vessels were driven on Shore, many suffered in their Sails and Rigging and the greatest part lost their Anchors & Boats. This Misfortune to a Fleet ill provided before, was not to be remyded, so that many Vessels were condemned to be destroyed in consequence of it. . . .<sup>15</sup>

The following day, as the crippled fleet proceeded up the Potomac River along the Maryland shore, Maryland militia units at Point Lookout spread the alarm throughout lower St. Mary's County. The militia now proceeded to the area of the St. Mary's River as the ships of the advancing British fleet anchored in its

12. Narrative of Captain Andrew Snape Hamond, July 8 to July 14, 1776.

13. *Ibid.*

14. Colonel Richard Barnes to the Maryland Council of Safety, July 13, 1776, *Archives of Maryland*, 12: 43-44.

15. Narrative of Captain Andrew Snape Hamond, July 8 to July 14, 1776.

mouth immediately to the east of St. George's Island.<sup>16</sup> The mission of the militia was to protect the shore and defend against landings whenever they would be attempted.

The severe damage to the fleet caused by the storm and the dire need for water and provisions required the immediate landing of troops for foraging purposes. The first landing on St. George's Island was undertaken in the early morning of July 15.<sup>17</sup> In the evening the troops were re-embarked after finding a well and filling a small number of their water casks. During the day the troops foraging on the island were harassed by the militia commanded by Captain Rezim Beall and his company, positioned on the mainland just to the north of the island.

The next day, to cover the landing operations, a protected row galley armed with two six-pounders and swivel guns, rowed close to shore along the positions of the militia and bombarded the shore for over an hour. Lively musket fire was exchanged during the bombardment.<sup>18</sup> That same evening covering fire was again employed by the British as their troops were re-embarked. Within a few days following the arrival of the British, militia units from the upper county, commanded by Colonel Jeremiah Jordan, and from the interior of the county, commanded by Colonel Josiah Hawkins, arrived on the scene until by July 17 some 600 militia and regulars were positioned in the vicinity surrounding St. George's Creek.<sup>19</sup> Deserters from the British forces, searching for water on the island, indicated to the militiamen that the principal purpose of the landings was to obtain provisions and water prior to departure of the fleet from the Potomac River and the Chesapeake Bay. They further described the extreme conditions aboard the ships of the fleet and how weakly and poorly the ships were manned.<sup>20</sup>

In another letter written to Lord Germain on July 31, Lord Dunmore stated:

Not finding Water in that abundance we could wish, on St. George's Island I ordered all the empty Water Casks of the Fleet to be put on board two of the Transports with which Captn Hammond in the ROEBUCK and this Ship went up the River about a Hundred Miles into fresh Water where we soon filled all our Casks. . . . We are now Anchored in the River and I hope to Morrow will clear us of everything but the Ships of War and Transports, but where we are to go, or what we can do next to render Service to His Majesty I own I am puzzled to know, and as I find there is now not even a Chance of our receiving any assistance, I really am at a loss what to determine on, for next month it will become very unsafe for Ships to keep the Bay, and I do declare I know not where we can go with our present force to make a Harbour of any tollerable safety for we no sooner appear off the Land than Signals are made from it, when the Coast is covered with Men and if we come to an Anchor within cannon Shott of either Shore, Guns are immediately brought to bear upon us, which it is not in the power of the Ships to dislodge, as the Sholes will not permit them to get near enough. . . .<sup>21</sup>

16. Jeremiah Jordan to the Maryland Council of Safety, July 15, 1776, *Archives of Maryland*, 12: 51.

17. *Ibid.*

18. Jordan to the Maryland Council of Safety, July 17, 1776, in *ibid.*, 12: 65-66.

19. *Ibid.*

20. Brigadier General John Dent to the Maryland Council of Safety, July 19, 1776, in *ibid.*, 12: 83-84.

21. Lord Dunmore to Lord George Germain, July 31, 1776, Public Record Office, Colonial Office, 5/1353, London.

With the departure of the *Roebuck*, the largest and most heavily armed ship of the fleet, on its raiding expedition up the Potomac River, the remaining tenders, transports, and galleys were left under the single protection of the smaller 28-gun frigate *Fowey*.<sup>22</sup> Because of the reduced strength of the fleet, the militia made plans to increase the harassment of the fleet by bringing larger nine-pounder cannon to Cherry Field Point opposite St. George's Island and within range of the *Fowey* and other units of the anchored fleet.<sup>23</sup> The Maryland ship *Defence* and its tender were to enter the Potomac River from the Chesapeake Bay and, if favorable conditions existed, attack the fleet from the southeast.<sup>24</sup>

On July 25 at 2:00 A.M., Major Price, a regular line officer in command in St. Mary's County, ordered 100 militia to be landed on the northern end of St. George's Island to ambush the British foraging party.<sup>25</sup> The ambush was so successful that the British troops were immediately forced to retreat and re-embark with some loss of life and materiel. Covering fire from the ships was ineffective and as a consequence several casks of water were destroyed by the attacking militia and a well was filled up and rendered useless. During this action additional deserters from the British force stated that upon the return of the *Roebuck* from raiding operations in the upper Potomac, the remaining ships of the fleet would weigh anchor and depart the Potomac and the Chesapeake Bay to proceed to ports of safety to the north, in Canada, and in the West Indies.<sup>26</sup>

A letter written at the time by a gentleman embarked in one of the transports described the conditions aboard the ships and the plans of the fleet:

As great Inconveniency attends his Majesty's Interest, by protecting his loyal Subjects, and their Property in Virginia, and as they have suffered considerably in their Effects, and likely to suffer more by a further Detention, Capt. A. S. Hammond [*sic*], Commander in Chief of his Majesty's Ships on this Station and Lord Dunmore, have took into Government Service every Vessel in the Fleet that is Sea-worthy, for the Purpose of transporting the People and their Properties to any Port or Place of Safety. . . . I, with many others, took our Passage in this Ship [*Logan*] for Glasgow; other Vessels are bound to St. Augustine, Bermuda, Antiqua, London and Whitehaven. . . .<sup>27</sup>

Early on July 28, the *Roebuck* and her four escorts returned to the vicinity of St. George's Island after a successful watering expedition in the upper Potomac and anchored two miles to the southwest of the island.<sup>28</sup> At the same time the *Defence*, unaware of the return of the *Roebuck* which was anchored to the southwest of St. George's Island, entered the Potomac and proceeded up the

22. Narrative of Captain Andrew Snape Hamond, July 15 to August 13, 1776.

23. Major Thomas Price to the Maryland Council of Safety, July 23, 1776, *Archives of Maryland*, 12: 97-98.

24. Samuel Purviance, Jr. to Joseph Hewes, July 27, 1776, Hayes Manuscripts, North Carolina State Archives.

25. Richard Lee to Landon Carter, July 27, 1776, Philip Lee folder, Virginia Historical Society.

26. *Ibid.*

27. "A Letter from a Gentleman on Board the Ship *Logan*, Potomack River, Dated July 31," *Public Advertiser*, Sept. 20, 1776.

28. Major Thomas Price to the Maryland Council of Safety, July 29, 1776, *Archives of Maryland*, 12: 138-39.

river to attack the anchored British fleet of tenders and transports. To cover this operation and to warn the *Defence* of the presence of the *Roebuck*, the nine-pounder cannon located at Cherry Field Point, under the command of Militia Colonel Richard Barnes, commenced a short bombardment of the *Fowey* located at anchor less than a mile away to the southwest.<sup>29</sup> In conjunction with the short cannonade a landing was made by forty militia on the north end of the island to harass the troops ashore. A detachment of twenty-five men in galleys and canoes was also dispatched at this time to skirmish with the lightly defended tenders at anchor and then to proceed to Cherry Field Point and rejoin the other militia units positioned there.<sup>30</sup>

The approach of the much more heavily armed *Roebuck*, however, from her position southwest of the island, as well as the movements of the *Fowey* which weighed anchor to give chase, forced the *Defence* to give up her plans of attacking the fleet, retrace her course, and proceed out toward the mouth of the Potomac and then up the Chesapeake Bay.<sup>31</sup> This coordinated operation on the part of the Maryland militia, though indecisive, effectively demonstrated to Lord Dunmore the strength and resolve of the Marylanders in defending their shores, especially in St. Mary's County. In addition, this action confirmed the fact that the British position in the Potomac and in the Chesapeake Bay was a precarious one.

The end of July and early August 1776 saw preparations begun for the departure of the remaining ships of the fleet. Those vessels that could not be manned for sea because of lack of manpower, or which were in unserviceable condition, were burned or broken up for firewood. During this same period the distribution of water to the remaining ships was completed. On August 2 the last of the unmanned vessels were burned and broken up. The fleet then weighed anchor and proceeded out of the Potomac and into the Chesapeake Bay, heading southward toward Cape Henry, anchoring there on August 4 at 8:00 A.M.<sup>32</sup>

Lord Dunmore's grand plan of re-uniting the colony of Virginia to the crown had failed. With neither military assistance nor a secure base anywhere in the Chesapeake Bay, without water and provisions for his fleet, and faced with continual resistance and harassment from the local citizenry of both Virginia and Maryland, Lord Dunmore found it impossible to continue operations in the Chesapeake Bay. He and his fleet finally left the bay in August 1776.<sup>33</sup>

The departure of Lord Dunmore from Virginia was noted on August 9, 1776, in a short article in the *Virginia Gazette*, published at Williamsburg:

By advices from Hampton, we learn that last Wednesday morning the Right Hon. the Earl of Dunmore, Viscount Fincastle, and Baron Murray of Blair, Mouilli and Tillimet, after dividing his fleet, and burning ten or a dozen vessels, took leave of the Capes of Virginia, where he has, for more than a twelvemonth past, perpetrated

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29. *Ibid.*

30. *Ibid.*

31. *Ibid.*

32. Master's Log of H. M. S. *Roebuck*, August 1776, Public Record Office, Admiralty, 52/1965, London.

33. *Ibid.*

crimes that would even have disgraced the noted pirate BLACK BEARD. One part of the fleet was seen to stand to the southward, it is imagined for South Carolina, the other to the northward, supposed for New York. Their strength from the information of two negro deserters, who came up to Hampton in the evening, amounts to near 400, regulars, negroes, and Tories; that they were now tolerable healthy, and had lately got a supply of provision, which they took from a Rhode Island vessel.—so respectable a band will, no doubt, be a most valuable acquisition to the generals Howe and Clinton. . . .<sup>34</sup>

And so ended the last foray of a British fleet during the Revolutionary War along the shores of Maryland in the Potomac River and the Chesapeake Bay.

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34. *Virginia Gazette*, August 9, 1776.

# An Undelivered Defense of a Winning Cause: Charles Carroll of Carrollton's "Remarks on the Proposed Federal Constitution"

EDWARD C. PAPENFUSE

On JANUARY 23, 1788, CHARLES CARROLL OF CARROLLTON COMPLETED WHAT he thought was the final version of a speech he expected to give in April at the Maryland convention called to consider the proposed Federal Constitution.<sup>1</sup> Ten months before, in April 1787, he had been elected a delegate to the Philadelphia convention that drafted the Constitution, and his cousin Daniel Carroll had sent him a copy of observations James Madison had written on the ineffectiveness of the Confederation government, perhaps in an effort to persuade him to attend. He had declined, however, preferring to stay in Maryland where he could keep a close watch on the political activities of Samuel Chase, who also refused to be a delegate.<sup>2</sup> During the Revolution Charles Carroll and Samuel Chase had worked closely together as leaders of the popular party, but in 1780 growing mutual distrust dissolved their partnership. By April of 1787 they were embittered enemies who had quarreled most recently over the emission of paper money and debtor relief, and neither would leave the state fearing what the other might do in his absence.<sup>3</sup>

In July 1787, at the request of Daniel Carroll who had agreed to serve as a delegate from Maryland, Charles Carroll had dispatched "outlines of a plan of government for the United States" to Philadelphia. The "plan" was more

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Dr. Edward C. Papenfuse is Archivist of Maryland and Commissioner of Land Patents.

1. In February 1975 the Maryland Hall of Records Commission with the approval of the Board of Public Works, purchased Charles Carroll of Carrollton's "Remarks on the Proposed Federal Constitution" from John Fleming, a noted New York manuscript dealer. Before acquiring the manuscript, Sergeant Gary A. Girtan and Tfc. Stephen M. Wilfong, Questioned Document Examiners with the Maryland State Police, identified it to be completely in Carroll's handwriting. The document was last offered at a public sale in 1930 at an auction of the Estate of Dr. Joshua Cohen to whom it was apparently given by Carroll's granddaughter, Emily McTavish, sometime in the 1850s (see "Memorandum concerning the Papers in this Trunk," MS. 251 Cohen Collection, Maryland Historical Society).

2. *Votes and Proceedings of the House of Delegates . . . April Session, 1787*, for April 23 and May 10. "Observations by J. M. (A copy taken by permission of Danl. Carroll & sent to Chs. Carroll of Carrollton)" in *Documentary History of the Constitution*, 5 vols. (Washington, D.C., 1905), 4: 126-36.

3. Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore, 1973), especially Chapter 10, "The End of the Popular Party," pp. 242-68.



concerned with reform of state governments than with detailing how a new federal government ought to be organized. To Carroll "a Reform of our State Constitutions or Governments should accompany, if not precede the reformation of the Federal Govt., for unless the several State Govts. be well organized, I am confident the federal Govt., however perfect it may appear in Theory, will always be found very defective in practice."<sup>4</sup> The majority of delegates in Philadelphia chose to ignore the problem of state constitutions, however, and concentrated instead upon making the Federal government as strong as possible. When Carroll at last read what they had written, he found little to quarrel with and composed a largely laudatory speech influenced by Madison's observations on the weakness of the old government and by a highly personal interpretation of the benefits of the new.

To Carroll the main goal of government was "the protection of the lives, liberty, & property of y<sup>e</sup> persons living under it." In order to accomplish this objective it was necessary to form a government in "which the sovereignty of the People at Large unites the vigor & dispatch of monarchy with the steadiness . . . and wisdom of an aristocracy." What Carroll wanted was "respectability abroad & Security at home," neither of which he felt the United States had gained since winning their freedom from Great Britain almost five years before. During that period, in Carroll's view, liberty had degenerated "into licentiousness and turbulence of factions" at the state level, while the loose confederation of states was but a congress of men making "recommendations & empty resolutions" that had no coercive force.<sup>5</sup>

Carroll countered the objections that the new government would have too much power, especially with respect to raising and supporting armies and navies, by arguing that a standing army, as long as it was not too large, was necessary to the nation's internal security as much as a navy was vital to establishing foreign respect. To Carroll, a local militia alone was insufficient to prevent "great devastations" that "might be committed by a lawless & profilgate Banditii." On the other hand, the fact that all American men were familiar with firearms would keep a standing army under control. It was different in Europe where people were disarmed and "in general would handle a musket as awkwardly as Hadley's quadrant." There the passion for hunting and the pride of the gentry and nobility in conjunction with a populace unarmed by the game laws had "wrested from the peasantry of Europe those arms *wh[ich]* might serve under favorable auspices and in critical emergencies to vindicate & maintain their just rights." In contrast, under the Constitution "all orders of nobility are expressly excluded, and [as] there is no probability of the game laws being introduced into any of the States, of course the great body of the People will retain their arms and, I flatter myself, the spirit to use them on every proper occasion."

Carroll felt financial abuse of the presidency, which seemed particularly likely

4. "Charles Carroll's Plan of Government," edited with an introduction by Philip A. Crowl, *The American Historical Review*, 46 (April, 1941): 588-95.

5. For these and other quotes from Carroll's "Remarks," see the full text of the document which follows.



states, but Carroll insisted that the responsibilities of the federal courts were specific and separate, involving only those matters that transcended state boundaries.

Clearly, certain of Carroll's conclusions about the merits of the Constitution and benefits to be derived from life under it were controversial to his contemporaries and remain so today. Not everyone, for example, would accept his judgment about the value of the "right to bear arms" clause, although perhaps more people would have then than now, nor would they agree that the presidency was not subject to abuse even with Congress having the authority to appropriate money.

The most personal of Carroll's arguments on the Constitution were those outlining the need for a strong central government that would oversee and insure the revival of public credit. If not the richest man in America in 1788, Carroll was definitely the "most monied man" George Washington knew. Much of Carroll's fortune was tied up in public securities and other loans that demanded stable economic conditions and a government that could pay off its debts through the collection of tax revenue.<sup>6</sup> As a consequence of the 8th section of the first article which granted a new government the power to lay and collect taxes, imposts, and excises, the country had every reason to expect "that the public securities will rise in value." Undoubtedly thinking primarily of his own affairs, Carroll wrote that if ratification occurred everyone would perceive the advantages "which those meritorious citizens will derive from it, who lent their money to the Public in a critical time, or whose effects were forced from them to support the army in its greatest need." For five years Carroll and those of a similar philosophical persuasion had struggled hard to defeat the advocates in Maryland of easy credit and inflated paper money led by Samuel Chase. It was a period when apprehension of the future "banished private confidence, occasioned hoarding of the coin, and languid circulation, and consequent fall in the value & price of lands." Now was the time "to decide whether we shall be a happy & free People, or through our own fault draw down upon ourselves & our posterity all the calamities attendant on, & consequent to Anarchy, civil discord, & war."

Until February 1788 Charles Carroll had little reason to think there would be any significant opposition to unqualified ratification of the Constitution in Maryland or that he would not be present at the ratifying convention. In fact until only "a very few days before" the election of delegates from Anne Arundel County "it was generally believed there would be no opposition to Mr. Carroll of Carrollton and the other 3 federal Candidates." Yet on election day Carroll and the other federalists were defeated by an anti-federalist ticket composed of his old political enemy Samuel Chase, Jeremiah Townley Chase, John Francis Mercer, and Benjamin Harrison which won by a majority of about fifty votes.<sup>7</sup>

From September 25, 1787, when the Constitution was first published in

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6. Edward C. Papenfuss, "Charles Carroll of Carrollton: English Aristocrat in an American Setting," in *Anywhere So Long As there be Freedom, Charles Carroll of Carrollton, His Family and His Maryland* (Baltimore, 1975), pp. 43-57.

7. Daniel Carroll to James Madison, May 28, 1788, in *Documentary History of the Constitution*, 4: 636-42.

Maryland until February 1788, the debate over the merits of the Constitution in the press did not seem to arouse much voter sentiment against unqualified ratification or cause federalists like Carroll any concern. Although one historian has alleged that the election to the House of Delegates in October 1787 was a "test of voter sentiment" on the Constitution, it was not.<sup>8</sup>

An analysis of all the roll call votes of the first session of the 1787-88 General Assembly reveals no clear-cut federalist or anti-federalist sentiment, let alone an increase in any kind of "party spirit." Indeed, fewer people voted consistently with Samuel Chase and Thomas Johnson, the two acknowledged leaders of factions, than had the year before. In the first session of the 1786-87 Assembly Samuel Chase, William Paca, and twelve other legislators voted together over 75 percent of the time. During the same session nineteen *different* legislators voted with Thomas Johnson over 75 percent of the time. Together they formed a working majority, but at odds they were to produce nothing but stalemate.<sup>9</sup>

The controversy over the two separate issues of debtor relief and the emission of paper money dominated the first session of the 1786-87 legislature. Shortly after the Assembly convened in November 1786, Uriah Forrest, a prominent merchant and delegate from St. Mary's County, described the controversy's impact on the business of the lower house:

T[homas] J[ohnson] appears to me to be almost as much afraid of S[amuel] C[hase] and W[illiam] P[aca] as they really are of him. I am fixed to do my duty not only faithfully but attentively, yet I will steer so clear of party as rather to out with all than in with any. There will be no paper nor no [*sic*] installments. Chase is for the one. T[homas] J[ohnson] inclines for the other. I am yet to be convinced of the necessity of either.<sup>10</sup>

When the Assembly finally adjourned in January 1787, Forrest praised the senate for its firmness in opposing the paper money or debtor related bills of the lower house and castigated the delegates for a "session as disgraceful to the leaders of it as it was ruinous to the State." The end product of two months legislative work was a pathetic appeal "made to the people which can answer no one purpose but to weaken a government already infinitely too feeble & relaxed," and which according to another observer seemed "likely to create great and perhaps dangerous divisions" in Maryland.<sup>11</sup>

8. Forrest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago, 1958), p. 148.

9. The analysis of legislator behavior in the assemblies of 1786-87 and 1787-88 is based upon the issue and legislator vote matrices of the Maryland Hall of Records, Legislative History Project. The Maryland Hall of Records Legislative History Project has automated all roll call votes for all sessions of the General Assembly from 1733 through 1789 with funding from the National Endowment for the Humanities (NEH Grant # RS-20144-74-513). A detailed explanation of the use of roll calls and biographical materials in the writing of the *History of the Maryland Legislature 1635-1789*, will be contained in a future volume of the Maryland Legislative History Project. The first two volumes of the Maryland Hall of Records Legislative History Project will be the session lists and biographical sketches of legislators, 1635-1789, which are scheduled for publication in 1977.

10. Uriah Forrest to Thomas Sim Lee, November 22, 1786, MS. 1974, Outerbridge Horsey Collection, Maryland Historical Society.

11. Uriah Forrest to Thomas Sim Lee, January 25, 1787, in *ibid.* Thomas Stone to [George Washington], January 30, 1787, *Documentary History of the Constitution*, 4: 67-68.

The appeal was to an apathetic electorate. The issues had been rendered moot by an expanding market for tobacco which throughout 1787 pumped considerable cash into the economy and opened credit for those elements in the population who needed it the most.<sup>12</sup> By the fall of 1787 paper money and debtor relief were no longer political matters of great concern to the voters or the General Assembly, and Chase and Johnson found themselves with fewer consistent supporters than they had had the year before. In the first session of the 1787–88 assembly only ten legislators voted over 75 percent of the time with Chase and sixteen with Johnson. At the same time that Chase and Johnson seemed to have lost support in the legislature, no clear pattern of anti-federalist/federalist voting behavior emerged in the fifty-six roll calls of the session. There were twenty-five legislators in 1787–88 whose stand on the Constitution is known because they either were elected to the ratifying convention or were defeated in their efforts to attend. Their votes on roll calls, 6 (whether or not to request the delegates to the Federal Convention to report to the General Assembly), 9 (setting April 1 as the date for elections to the ratifying convention) and 11 (setting April 21, 1788, as the date for convening the ratifying convention) do not reveal any significant differences between federalists and anti-federalists. The ten who were to declare later as anti-federalist did vote alike on all three Constitution-related roll calls (with the exception of one legislator in one roll call), but they had little to do with Samuel Chase on all other matters before the House that had recorded votes. Only two of the legislators who later declared themselves as anti-federalists voted with Chase over 70 percent of the time. The other eight voted with Chase less than a third of the time on all fifty-six roll call votes recorded during the session. Chase may have led a faction in the lower house in the assembly of 1787–88, but it was not composed of the same legislators who can be clearly identified as anti-federalist by April of 1788.<sup>13</sup>

In fact, Samuel Chase was elected to the House of Delegates in 1787 by a Baltimore constituency that was overwhelmingly in favor of the Constitution. As a result he was extremely cautious about taking any stand while campaigning for election and, once elected, managed to be absent on two of the three Constitution-related roll calls. So indecisive was he at election time that one writer in the *Maryland Gazette or Baltimore General Advertiser* made great sport of two speeches he gave, one at Fells Point to Baltimore County residents, the other at the courthouse in Baltimore Town to his own constituents. In his speech at “the Point on Thursday evening he [Chase] was so much against the new Federal government his listeners were amazed & thought him the real enemy.” Later, when he attempted the same somewhat subdued theme at “the court House in town,” at “the insistence of friends,” he changed tactics in order “to remove the impressions . . . made at the Point.” This proved so unsuccessful that Chase put out a handbill to “prove he was a federal man.” When the handbill failed to

12. For a discussion of the economic impact of Robert Morris's purchases of lower grade tobacco for his monopoly with the French, see Edward C. Papenfuss, *In Pursuit of Profit: The Annapolis Merchants in the Era of the American Revolution 1763–1805* (Baltimore, 1975), especially pp. 169–223.

13. For documentation see working files of the Maryland Hall of Records, Legislative History Project, and note 9 above.

clarify his position, he issued "something else" to convince voters he was "a federal man and fit to represent the town."

Now how can these things be? [his critic asked] Is Mr. Chase of such weak and slow parts, that he cannot frame a distinct opinion on a subject about which nine-tenths of the town are fully agreed? Is he so confined and poor a speaker that he cannot convey his ideas in plain intelligible language after several trials, without running wrong . . . so that his opinions and publications demand the aid of a commentator to explain them. His admirers say he is the wisest man and ablest speaker in the world. Whence then all this difficulty to be understood? The matter is obvious. Mr. Chase is in principle, inclination and interest against the new continental government because its establishment would leave him and his desperate adherents in a state of irrecoverable ruin.<sup>14</sup>

But if Chase was not a recognized leader of the opposition to the Constitution either among his constituents, or in the General Assembly prior to its adjournment on December 17, 1787, by late March 1788 he had decided to place his seat in the house in jeopardy and take on the formidable task of qualifying Maryland's ratification of the Constitution. Perhaps he did so out of interest more than principle, as Philip Crowl contends. Chase probably would have lost considerably by his investments if the Constitution accomplished all that he feared. Crowl has established that the declared anti-federalists had speculated heavily in confiscated property and had paid their debts with depreciated currency, both of which activities would be endangered by the Constitution's enforcement of the collection of prewar British debts at par and its prohibition against the issuance of paper money by the states.<sup>15</sup> What Crowl and Forrest McDonald have failed to realize, however, is that anti-federalist sentiment in Maryland cannot be equated with absolute opposition to the Constitution based on purely economic motivation.

The efforts of Luther Martin, William Paca, and finally Samuel Chase were on the whole aimed at amending the Constitution rather than defeating it, although Martin became increasingly intransigent and in his last newspaper articles argued against ratification altogether. None of the amendments they proposed would deter the new Federal government from pursuing an economic policy adversely affecting their personal fortunes. All were intended to ensure personal liberties and states' rights which can only indirectly be linked to anything more than a philosophical concern about the dangers of an all-powerful national government.

Beginning on December 27, 1787, Martin published a revised and considerably expanded report he had given to the General Assembly which detailed his reservations about the Constitution and explained why he had refused to sign it as one of the delegates from Maryland. By February Martin was beginning to worry even Charles Carroll, who felt compelled to revise his speech to meet

14. "Steady" in *Maryland Gazette or Baltimore General Advertiser*, September 28, 1787.

15. Philip Crowl, *Maryland During and After the Revolution* (Baltimore, 1943), p. 127.

Martin's charges on February 1 that in some cases the right to trial by jury under the Constitution would be denied and those of February 8 which claimed that the whole attempt to draft and ratify a new constitution was illegal.<sup>16</sup>

Martin's arguments clearly upset Carroll and caused him to expand his speech, but it is doubtful that they played a major role in persuading Samuel Chase to join the small group of Maryland anti-federalists who wanted to amend the Constitution. In all likelihood, Chase was convinced by William Paca whose advice he seemed always to have valued and often heeded.<sup>17</sup>

Paca, as governor of Maryland in 1783 and 1784, had like his predecessor Thomas Sim Lee fought a hard battle with the state's Intendant of the Revenue, Daniel of St. Thomas Jenifer, over the priorities governing the expenditure of tax revenue. Jenifer argued that the state's first obligation was to pay money owed the Confederation government for money advanced for the war effort and for the yearly requisition of funds for Congress. Paca countered that state salaries and other obligations incurred by the state for the direct benefit of the state took precedence, leaving whatever was left for Congress. Jenifer continued to act according to his own view of the matter until his powers were curtailed by the Assembly in 1785 to be effective in 1786 after Paca left office.<sup>18</sup>

By 1787 it was clear to both Jenifer and Paca that with a new Constitution even the tardy action of the Assembly would be prohibited in the future. Jenifer, as delegate to the Philadelphia Convention, strove to make the proposed Constitution as strong as possible in all matters, but particularly those which were fiscal. By February or March, 1788, Paca saw no alternative but to wage a fight to curtail those powers by imposing a number of restricting amendments on the Constitution that would ensure not only personal but also states rights.

As Paca was to make abundantly clear in the ratifying convention and afterwards in the published report of the minority, he and the other anti-federalists did not oppose the Constitution per se; rather, they wanted the convention to qualify ratification by adding various amendments which provided among other things that "Congress shall exercise no power but what is expressly delegated by this Constitution, that freedom of the press be inviolably preserved and that the right of trial by Jury not be infringed upon."<sup>19</sup>

These were precisely the issues which defeated Charles Carroll of Carrollton at

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16. *Maryland Journal and Baltimore Advertiser*, January 4, 1788–February 26, 1788. The draft of Martin's speech as he originally gave it to the Maryland House of Delegates is reprinted in the *Maryland Historical Magazine*, 5 (1910): 139–50.

17. The close personal relationship, as well as Chase's dependence upon Paca's intellect and guidance in political affairs, is discussed in Gregory A. Stiverson and Phebe R. Jacobsen, *William Paca. A Biography* (forthcoming, Maryland Historical Society, 1976).

18. The controversy between the governor and council and the intendant is documented in the Maryland State Papers (Series A) MdHR 6636, and "Intendants Letter Book No. 11," MdHR 4546, especially pp. 305–6, and 323–25, Maryland Hall of Records.

19. "A Fragment of Facts Disclosing the Conduct of the Maryland Convention, on the Adoption of the Federal Constitution. Address to the People of Maryland. Annapolis, April 21, 1788," in *The Debates in the Several States Conventions on the Adoption of the Federal Constitution*, ed. Jonathan Elliott, 5 vols. (Philadelphia, 1876), 2: 547–56.



the polls in April of 1788. While Samuel Chase, who had abandoned his Baltimore constituents to the federalists, went into one part of Anne Arundel County and harangued, John Francis Mercer and Jeremiah Chase went into another where they dispersed a signed hand bill summarizing their 'platform':

BILL OF RIGHTS  
LIBERTY OF CONSCIENCE.  
TRIAL BY JURY.  
NO EXCISE.  
NO POLL TAX.  
NO STANDING ARMY IN PEACE,  
WITHOUT LIMITATION.  
NO WHIPPING MILITIA,  
NOR MARCHING THEM OUT OF  
THE STATE, WITHOUT CONSENT  
OF THE GENERAL ASSEMBLY.  
NO DIRECT TAXATION,  
WITHOUT PREVIOUS REQUISITION.

The result, according to Daniel Carroll, was that "the people were alarmed at their positive assertions, and I am assured when they attended the Polls, a wildness appeared in many which show'd they were really frightened by what they had just heard."<sup>20</sup>

Undoubtedly similar campaigns were waged by William Paca in Harford County and Captain Charles Ridgely in Baltimore County, where pro-amendment candidates were elected, but slates favoring unqualified ratification ~~pre-~~ Maryland. Probably the major reason why the pro-admendment forces had such ~~ment forces had such~~ limited success was their tardiness.<sup>21</sup> Four days was not enough time to canvass effectively and distribute handbills other than in an area that was within a day or two's riding of Baltimore Town. Another reason may also be that Samuel Chase took too long to make up his mind to join with Paca in a concerted attack on those who supported unqualified ratification, thus preventing any organized effort until it was almost too late.

If Paca and Chase had made up their minds sooner to fight for amendments to the Constitution and had been able to persuade more than a handful of influential county politicians to join them, ratification in Maryland of a Constitution without amendments might have been in serious doubt. As it was,

20. Daniel Carroll to James Madison, May 28, 1788, in *Documentary History of the Constitution*, 4: 641-42.

21. Jackson Turner Main, *The Anti-Federalist Critics of the Constitution, 1781-1788* (Chapel Hill, 1961), pp. 214-15, quotes John Francis Mercer, one of the anti-federalist delegates elected in Anne Arundel County, to the effect that "'All opposition being thus postponed and every necessary step to inform the minds of our citizens on one side neglected—while unremitting exertions by a number of wealthy & respected characters were continued on the other—it cannot be surprizing that the Elections were generally favorable to the constitution.' Noting that few anti-federalists sought election and that few voted, Mercer insisted that 'four fifths of the people of Maryland are now in favor of considerable alterations and amendments.'"



Paca and Chase could at least take satisfaction in the knowledge that ultimately they were victorious. By 1791 ten amendments were added to the Constitution. Charles Carroll of Carrollton, on the other hand, was forced to sit on the sidelines and play no role in the ratification of a document for which he had the highest regard. Carroll's only solace was that the campaign for amendments to the Constitution effectively finished the political career of Chase and evidently discouraged Paca from any further effort to seek a seat in the legislature. Never again would their combined influence be felt in the General Assembly, while for two more decades Carroll would lend his talents to guiding the actions of the state senate and would participate as one of the first United States Senators from Maryland.

Although undelivered, Charles Carroll of Carrollton's remarks on the Constitution proved a defense of a winning cause with which, in time, even some of his severest critics came to agree. By 1804 when Carroll was sixty-eight and Samuel Chase was sixty-three, Chase had evolved into such a staunch—some said partisan—federalist justice on the United States Supreme Court that impeachment proceedings were commenced against him. Carroll, ignoring past differences, rose to his defense and when Chase was exonerated by a narrow vote, expressed his pleasure and relief, thus ending one of the longest and perhaps most consequential rivalries that Maryland politics had ever witnessed.<sup>22</sup>

The text of the "Remarks" as it appears here is a collation of all interlinear corrections and additions that Carroll made to his basic speech, including a five and one-half page *addenda* written in response to Luther Martin. Carroll finished the bulk (thirty-three pages) of his "Remarks" on January 23, 1788, and then added to, or rewrote, portions after reading Martin's criticisms of the proposed Constitution which appeared in the February 1 and February 8, 1788, issues of *The Maryland Gazette or Baltimore Advertiser*. No effort has been made to correct Carroll's spelling or to expand his contractions, but punctuation has been altered slightly in order to make the text more readable.

### Remarks on the Proposed Constitution by Charles Carroll of Carrollton, January–March, 1788\*

Were the Science of Gov<sup>t</sup>. Mr. President, reducible to a few elementary principles as obvious & certain as the axioms of Geometry, the same kind of Gov<sup>t</sup>. would have been embraced by all the nations of the world, supposing men to have been free to chuse, well informed & influenced in their choice by the deductions of reason only, and not by accident, or rather [by] a combination of particular circumstances. That such a combination, rather than conviction, the result of reasoning thought, gave rise to the different forms of Government adopted by different nations may be proved from their histories; and were no history of these events extant, the nature of man & the progressive state of society sufficiently

\* Edited by Edward C. Papenfuss and Sally D. Mason; transcribed by Pamela S. Narbeth.

22. Kate Mason Rowland, *The Life of Charles Carroll of Carrollton, 1737–1832*, 2 vols (New York, 1898), 2: 258.

ascertain the fact.<sup>23</sup> It would be more curious than instructive to investigate the origin of the different Gov<sup>ts</sup>. and to assign the particular causes which lead to y<sup>e</sup> establishment of monarchy among some nations, of aristocracy or democracy among others. In an enquiry of this kind, much must be left to conjecture, and this is not the time or place to make it. In my opinion, it would be equally foreign to the present question to enter into a detail.

Much has been written on the several forms of Gov<sup>ts</sup>; each has had its advocates, and much time & learning have been misspent in defence of different theories & systems. However, this good has resulted from a thorough investigation of the subject; that it is now more generally, & better understood, and to this truth do all subscribe: that Gov<sup>t</sup>. is intended for the benefit of the governed, to promote their happiness & welfare, not to enrich & aggrandise those who govern.<sup>24</sup> Authors indeed have differed about the means of promoting the aggregate happiness of Society; some have thought the monarchical, some y<sup>e</sup> aristocratical, and others the democratic forms of gov<sup>t</sup>. the best adapted to this great object. A preference, however, is given by y<sup>e</sup> best & latest writers to a mixture of the three simple forms and it is generally admitted that that Gov<sup>t</sup>. is the best which unites in its composition & frame the energy of monarchy, y<sup>e</sup> wisdom of aristocracy with the integrity common interest, & spirit of a democracy. Of this sentiment at least were two of the best Judges of Antiquity, Cicero & Tacitus: the latter indeed has expressed his opinion that it is easier to praise than to frame such a gov<sup>t</sup>., & that if ever it should take place, it would not be lasting. Tacitus, who saw despotism established in his country on the ruins of Liberty, who felt the invigorating force of that inestimable boon, thought & wrote in this instance under all y<sup>e</sup> gloom & despondency of an afflicted Patriot.

We, thanks to Heaven, live in more auspicious days, and in a country where the rights of men are well understood, where the blessings of liberty are diffused among a spirited & sagacious People, who know how to estimate its value & guard against its abuse; for, Sir, the choicest, y<sup>e</sup> noblest gifts of an all bountiful Providence may be abused, and being

23. Carroll's admiration for "the strictness of Geometrical demonstrations" and the "thorough certainty of their truth" developed during the years he spent in London (1759-64) unhappily engaged, at the insistence of his father, in the study of common law. "The mind," he wrote his unsympathetic parent in the spring of 1763, "is convinced, strengthened, and instructed by the strict reasoning of [geometry] and dismayed by the uncertainty and obscurity of [law] founded upon and still subsisting by villany" (Charles Carroll of Carrollton to Charles Carroll of Annapolis, July 2, 1763 and April 29, 1763, MS. 206, Carroll Papers, Maryland Historical Society). As the reiteration of these sentiments twenty-five years later suggests, Carroll's preference for rational order and demonstrable truth was more than a youthful complaint. His commitment to the rule of reason formed the basis of his philosophy and was manifested consistently throughout his life in both his personal and his political relationships.

24. Carroll's political career began in 1773 with an attack on those who profited financially from governing the colony. In the fall of 1769 the Lower House of the Maryland General Assembly refused to renew the schedule of fees that were levied for the performance of government services. They did so on the grounds that numerous provincial officials were enriching themselves at public expense by charging exorbitant fees and by selling offices. In 1770 Governor Eden, in order to prevent the cessation of all public business in the colony, prorogued the Assembly and proclaimed a fee schedule, thereby infringing a traditional power of the Lower House. Daniel Dulany, one of the most powerful provincial officials in Maryland whose personal fortune had, as the Lower House investigation had shown, benefited immensely from the old fee schedule, sought to ingratiate himself with the governor by publishing a defense of the fee proclamation in the *Maryland Gazette* under the pseudonym "Antilon." Although legally barred from participation in politics because of his Roman Catholic religion, Carroll, using the pseudonym "First Citizen," replied to Dulany, a man he had disliked for many years. The newspaper debate lasted from January to June 1773. Carroll, defending the Assembly's position, emerged the popular champion. In May 1773 candidates sympathetic to Carroll's position were elected to the General Assembly. (Peter S. Onuf, *Maryland and the Empire, 1773* [Baltimore, 1974], and Hoffman, *A Spirit of Dissension*).

abused, frequently prove the greatest curses. From the experience, knowledge, & sagacity of this People I draw the most favourable presage of the wisdom & discernment of their Representatives here convened on an occasion the most interesting & momentous: the adoption, or rejection of a Gov<sup>t</sup>. which will either secure to the present & future generations on this great Continent, freedom & prosperity, or entail upon them servitude & misery.

Which of us acting under a trust so sacred & important does not feel all its weight & obligation? Singled out by our Continent as persons best qualified to discuss & determine a question of y<sup>e</sup> greatest magnitude, on y<sup>e</sup> right decision of which their dearest interests depend, honoured & distinguished by a confidence, the greatest wh can be reposed in man, I doubt not that the members of this Assembly have divested themselves of every prejudice & improper bias & are resolved to vote the real dictates of their conscience & judgment. This, at least, Mr. President, is my determination. I have reflected much on the Constitution wh is submitted to our consideration; I have weighed with all the care & circumspection I am master of the arguments wh have been urged in its favor & the objections wh have been made to it. On the maturest consideration wh I have been able to give the subject, I am fully satisfied that y<sup>e</sup> federal Gov<sup>t</sup>. as proposed by the late Convention ought to be adopted. I shall, as briefly as possible, disclose the reasons of this opinion & conviction.

What, Sir, are the ends of Gov<sup>t</sup>? The protection of the lives, Liberty, & property of y<sup>e</sup> persons living under it. The Gov<sup>t</sup>. wh is best adapted to fulfill these three great objects must be the best; and that Gov<sup>t</sup>. bids fairest to protect the lives, Liberty, & property of its citizens, Inhabitants, or subjects, wh [is] founded on the broad basis of a common interest, & of which the sovereignty, being lodged in the Representatives of the People at large, unites the vigor & dispatch of monarchy with the steadiness, secrecy, & wisdom of an aristocracy. To me, Sir, it appears that these three great desiderata are more skilfully combined in y<sup>e</sup> proposed plan of federal Gov<sup>t</sup>. than in any other wh has yet existed, & that it will secure more perfectly than hitherto has been experienced by any other People, y<sup>e</sup> rights, y<sup>e</sup> internal peace & harmony of all living under it, & that its energy will be such as to give it respectability abroad & stability at Home.

Tacitus has expressed in a speech of the Emperor Galba to Piso a sentiment wh well deserves the attention of this Assembly: like all the reflections of Tacitus it is pithy & profound, & discovers a great insight into human nature. *Imperaturus es*, (says the Emperor speaking of the Romans) *hominibus, qui nec totam servitutem pati possunt, nec totam libertatem*.<sup>25</sup> I hope, Sir, the day is fast approaching when no nation will remain so degraded as to crouch under the yoke of entire servitude, yet none I fear (such is the condition of humanity) can long enjoy the exuberance, the excess of Liberty. In the moral world do we not see that excess in every affection is soon followed by disgust, pain, & punishment? The man of pleasure must indulge his favourite inclinations with a prudent economy & moderation, or pleasure would fall upon intemperate enjoyment. The excess even of virtue terminates in vice. The observation applies to every passion, or pursuit, wh engages, animates, or torments the busy race of Man.<sup>26</sup> To the truth of it the nations can testify who

25. Arthur Murphy translates this portion of Galba's speech to Piso as follows: "You are to reign over the Roman people; a people whom no extreme will suit: when in full possession of liberty, enemies to their own happiness: when reduced to slavery, impatient of the yoke" (Tacitus, *The History Germania and Agricola*, Everyman's Library edition [New York, n.d.], v. II, p. 17).

26. "Temperance and a prudent economy" were to Carroll the behavioral manifestations of commitment to the rule of reason and he successfully exemplified both in all aspects of his public and personal life. It distressed him that his own children had so little interest in the emotional, physical,

lost their freedom by using it too much, in other words by the abuse of it. The proposed federal Gov<sup>t</sup>., by restraining the excesses, wh liberty, degenerating into licenciousness & y<sup>e</sup> turbulence of factions, may engender in the State Governments, will protect the Liberty of each and of all; the powers vested in the federal Gov<sup>t</sup>. will enable it to perform this essential service. Let us, if you please, Sir, examine its structure, & principles.

#### Powers of the federal Gov<sup>t</sup>.

The Legislative powers are accurately defined; what are not expressly granted by the Constitution are retained and remain in the State-Legislatures. The federal Legislature is to consist of two branches: a Senate, & House of Representatives. The latter are to be chosen every second year by the People at large. The State-Legislatures are to chuse the Senate & are to prescribe y<sup>e</sup> times, places, & manner of holding elections for Senators & Representatives. The Senate is to be chosen for six years; the Senators as soon as convened are to be divided as equally as may be into three classes. The seats of the first class will be vacated at the end of the second year, of y<sup>e</sup> 2<sup>d</sup> class at the end of the 4<sup>th</sup> year, and of the third class at the end of the 6<sup>th</sup> year.

#### Observations

This classing of the Senators vacating their seats at stated periods will give an opportunity to the State-Legislatures of substituting new Senators to those whose conduct may not be approved, or if approved, to continue them in their trust: if suspected of dangerous or selfish practices they will certainly be removed when their time expires, and this rotation will effectually check all unwarrantable combinations among the members of that branch of the federal Legislature.

The House of Representatives is to be chosen by the People at large every second year. The term is short; should they not discharge their trust to the satisfaction of their constituents, they will not be re-elected. But how, it may be asked, are the People to know whether they have discharged their trusts well, or not? Removed at so great a distance from most of their constituents, their conduct will be but little known. The answer to this objection discovers one of the excellencies of the Constitution.

The People at large, if left to themselves, might be ignorant of, or inattentive to the conduct of their Representatives in the federal Legislature; their immediate Representatives in the State-Legislatures will correct this defect of ignorance or inattention in the

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and financial self-discipline by which he lived. In 1796 he admonished his elder daughter Mary Caton, by then the mother of four girls, for neglecting her household responsibilities and indulging in "that languor & listlessness which arise from idleness, lolling on the bed, & reading romances" (Charles Carroll of Carrollton to Mary Caton, April 18, 1796, MS. 220, Carroll-McTavish Papers, Maryland Historical Society). The extravagant tastes of his younger daughter Kitty and her husband Robert Goodloe Harper provoked Carroll more than once: "I requested you in my last to collect all accounts for furniture . . . and to cease ordering any more. . . . Your disbursements for furniture and the alterations of your house have far exceeded my expectations . . ." (Charles Carroll of Carrollton to Robert Goodloe Harper, January 7, 1803, MS. 431, Harper-Pennington Papers, Maryland Historical Society). The excesses of Carroll's daughters were mild, however, in comparison with those of his only son, Charles Carroll of Homewood, whose inability to temper pleasure with reason made his life an ironic and tragic counterpoint to that of his father. The young man's financial irresponsibilities were matched and finally exceeded by his fondness for "wines and fermented liquors." By 1816 his "degrading habit" had driven his wife and children from his house, and in 1825 he died of acute alcoholism. For a recent study of the Carroll Family see "Charles Carroll of Carrollton and His Family 1688-1832" by Sally D. Mason, in *Anywhere So Long as there Be Freedom*, pp. 9-33.

People.<sup>27</sup> They will narrowly inspect y<sup>e</sup> conduct of the federal Representatives; should they behave amiss, or be suspected, the alarm will soon be taken & spread by y<sup>e</sup> State-Legislatures among the People. The instances of misbehavior will be pointed out, possibly exaggerated; most assuredly, in passing through this channel of communication they will not be extenuated, & receive a friendly gloss. As long as the Representatives in y<sup>e</sup> State-Legislatures possess the confidence of the People, their admonitions & advice will be duly attended to.

There then, Sir, is the great bulwark of liberty, the greatest security, that the federal Representatives will honestly discharge their trust; because their conduct will be closely inspected by men well informed, of discernment, annually assembled in a body, who will be actuated not only by a sense of duty, but probably by a spirit of emulation, & jealousy. The federal Senate, appointed by y<sup>e</sup> State-Legislatures, is more, if possible, under their controul than the federal Representatives. Let it be remembered too that the State-Legislatures are to prescribe the times, places, & manner of holding the elections for Senators & Representatives in each State. There, Sir, is another security against dangerous encroachments of y<sup>e</sup> federal Legislature. But it has been objected that this security is defeated by the proviso, wh authorises Congress to alter by law at any time the regulations adopted by the State Legislatures, except only as to y<sup>e</sup> places of chusing Senators.

That this power, however vested in Congress, cannot be abused, a little attention to y<sup>e</sup> subject will evince. Let us suppose the Constitution to be ratified by nine States: the

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27. Carroll's faith in "the People" was carefully restricted both philosophically and in terms of his practical experiences. In essence his socio-political outlook represented a fusion of his innate aristocratic sensibilities, which he once expressed during his student days in France (1749-59) as disdain for travel in the "publick coach" and his belief in the rule of reason. Carroll saw himself in the vanguard of reason within the body politic, logically fit to assume the responsibility of political leadership of "the people" who, more inclined to passion than reason, tended to be impulsive, intemperate, and largely ignorant of what was good for them (Charles Carroll of Carrollton to Charles Carroll of Annapolis, December 19, 1757, Carroll Papers). In 1760 Carroll, in a letter written to his father about the onerous double-tax with which Maryland's Catholics had been saddled during the French and Indian War, elucidated some ideas about government which, confirmed in the crucible of the American Revolution, became his political credo. The "unjust, the malicious prosecutions" to which Catholics in Maryland were subjected were attributable, Carroll declared, to the "avarice" of "an ignorant, base, contemptible rabble." Though he hoped, generously enough, that time would improve their manners and hard work their wealth, thereby moderating "that eager longing after other men's property," his "chief hopes" for melioration of the Catholics' situation were founded "upon our Governor and upper house of assembly," through whose justice and moderation "the clamors of a mob" could be defused and its "insolence" and "giddy fury" turned "to its own shame" (Charles Carroll of Carrollton to Charles Carroll of Annapolis, September 16, 1760, in *ibid.*). His direct experience with "the clamors of a mob" during the War for Independence when Maryland was rife with civil chaos so widespread and severe that anarchy seemed imminent made an indelible impression on Carroll. In the fall and winter of 1777 he was sufficiently alarmed to urge reconciliation with Great Britain lest America be ruined "by the intestine divisions and bad governments I foresee will take place in most of these united states; they will be simple Democracies, of all governments the worst, and will end as all other democracies have in depotism" (Charles Carroll of Carrollton to Charles Carroll of Annapolis, October 18, 1776, *ibid.*). At length, recognizing that reconciliation with the mother country was unlikely, Carroll and his colleagues among the Maryland Whig elite set out to preserve their power and prevent the onset of "simple Democracies." They fashioned a state constitution which by means of property qualifications for voting and holding office reserved political power to the proper class of people and restricted the political participation of the populace still further by means of indirect elections. Under the state constitution which Carroll was instrumental in framing, "the People" could vote directly for only two positions—sheriff and members of the lower house of assembly. For Carroll's political career during the American Revolution see Hoffman, *A Spirit of Dissension*.

Legislatures of these nine States must prescribe the times, places, & manner of holding the elections for Representatives & Senators. Until these elections are made no Congress, under the new Constitution, can be holden: if made satisfactorily to the People of the nine States, it cannot be supposed that Congress will interfere with them. For what purpose should the Representatives from eight of the nine States wish to alter, for instance, the time, manner, & place of holding the elections in Maryland? Why should Maryland join with seven of the other States to alter the manner of election in a ninth State? No reason can be assigned for such conduct, but a good one may be given for vesting Congress with such a power to be exercised on particular emergencies.

Suppose an Insurrection should break out in one or more States, so as to prevent the meeting of the State Legislatures. On this occasion would not the exercise of power be proper?

Suppose the two branches of any State-Legislature should disagree about y<sup>e</sup> manner of chusing Senators, & could not compromise among themselves the difference. Would it not also be proper for Congress to interfere in this instance, & settle the manner of making the choice? That the power will be seldom exercised by Congress, & when necessary, will be exercised with y<sup>e</sup> greatest discretion, we have the strongest assurance, founded on the composition of that Assembly. That cases may occur, when it may be necessary to use the power, cannot be reasonably denied & therefore it was wise to lodge it in Congress.

The Legislative powers granted to Congress are of a general nature, such as are suitable to properly belong to a Gov<sup>t</sup>. intended to direct & manage the general & joint interests of thirteen independent Sovereignties and of many others which will hereafter form a part of a most impressive Confederacy. Were Congress clothed with powers short of those given, it would not answer the end of its institution.

I shall not, Sir, go into an examination of all the powers. I mean to confine my observations to such of them principally, as have been objected to, and from wh, it has been suggested, consequences will flow dangerous to y<sup>e</sup> liberty & welfare of the confederating States. That Congress should have the power to raise & support armies & to provide & maintain a navy during war is admitted by all; but standing armies are dangerous to liberty, & unnecessary in peace.

In our situation some regular standing force, even in peace, is necessary. Some regular troops must be kept on foot to garrison the western posts, on the side of Canada, and to protect our wide frontier against the inroads of the Indians, on whose friendly dispositions no reliance can be placed. A standing force may also be necessary to quell the insurrections which unhappily may break out in some of the States. To suppress the first movements of seditious citizens would probably save the effusion of much blood & expence; before the militia could be collected & put in motion, great devastations might be committed by a lawless & profligate Banditti.<sup>28</sup>

Large standing armies in time of peace, & even in war, I admit to be dangerous to liberty & oppressive to y<sup>e</sup> People. I will also admit that in many countries they have contributed to enslave & keep enslaved the People; but these admissions, tho' true in general, have exceptions. G. B. has long maintained a standing army, and yet has preserved y<sup>e</sup> freedom of its Constitution. This, it may be said, is owing to its insular situation rendering a numerous land army unnecessary in peace. Granted; it is not,

28. Undoubtedly Carroll had in mind Shays' Rebellion which had taken place in Massachusetts in January 1787. He described the event at the time as "an insurrection of malcontents in the State of Massachusetts which has been lately suppressed by y<sup>e</sup> enactments of that government which I hope will increase its energy and have a good effect on other States where similar dispositions might otherwise have occasioned similar commotions" (Charles Carroll of Carrollton to Daniel Carroll, March 13, 1787, Harper-Pennington Papers).

therefore, a small force of regular troops wh is dangerous to liberty; it is the largeness of the force combined with other circumstances which is dangerous & has subverted the freedom of several nations. Our situation in this respect is even more favourable than that of G[reat] B[ritain.] We have no formidable neighbours ag<sup>t</sup>. whose strength & ambition a large army of regular forces must be supported. Jealousy or ambition have armed all the powers of Europe: vast armies are constantly maintained, at a vast expence, either as instruments of safety, or conquest.

The situation of our People is also very different from those of Europe in general; our citizens have arms in their hands & know the use of them: the common People of Europe are disarmed &, in general, would handle a musket as awkwardly as Hadley's quadrant. The passion for hunting, & y<sup>e</sup> pride of the gentry & nobility co-operating with an insidious policy have wrested from the peasantry of Europe those arms wh might serve, under favourable auspices & in critical emergencies, to vindicate & maintain their just rights. By the federal Consitiution all orders of nobility are expressly excluded, and [as] there is no probability of the game laws being introduced into any of the States, of course the great body of the People will retain their arms and, I flatter myself, the spirit to use them on every proper occasion.

It cannot be reasonably suspected that Congress will keep up a larger force than what may be absolutely necessary for the purpose already mentioned, because the expence would be too burthensome to themselves & to their constituents, & because a large army might put an end to their political existence, at least to their power & consequence. The Congress then, cannot be justly suspected of a wish or design to keep up a *large* standing army, & a small one cannot endanger our Liberty.

Should the President desire to perpetuate himself in office by any other means than a conscientious discharge of its duties, and a fair re-election at the end of every four years, he might look to a standing arm as the fittest instrument for his purpose. But how is he to obtain & keep up a force, wh might realise his ambitious views, without the consent of Congress? No appropriation of money for y<sup>e</sup> raising & support of an army can be made by Congress for a longer term than two years. That Congress should wilfully or ignorantly combine with y<sup>e</sup> President to subvert their constituents and their own liberties, is beyond the bounds of credulity, if we advert to y<sup>e</sup> manner of chusing the members, unless indeed we suppose that a majority of y<sup>e</sup> State-Legislatures also will be so blind as not to discover, or so wicked as to enter into, such a conspiracy against the freedom of their country. Even if this last most improbable event should happen, still I trust the People of America will have the spirit & force to resist so wicked a combination, & to punish y<sup>e</sup> guilty. The militia is to be officered by y<sup>e</sup> several States; now to give success to a scheme so profligate & wild, the militia officers, too, must be corrupted & leauged against the People. This last supposition is inadmissible unless a general depravity & corruption of manners should overspread & infect the country. If ever our posterity, wh God forbid, should become so generally depraved & corrupt, a despotic gov<sup>t</sup>. only will suit them.

Please, Sir, to advert to another provision of this constitution: no money can be drawn from y<sup>e</sup> treasury but in consequence of appropriations made by law, & a regular statement & acct of y<sup>e</sup> receipts & expenditures of all public money is to be published from time to time. There is another guard against illegal expenditures, & let me add too, Sir, against improvident ones. These Statements will be laid before y<sup>e</sup> State-Legislatures from time to time & will check lavish, inconsiderate, or dangerous expences, [and], of course, dangerous designs, should any such be harboured by Congress or by any of y<sup>e</sup> executive officers of y<sup>e</sup> federal gov<sup>t</sup>.

All this, some may say, appears well in theory; they may perhaps admit that there are many wise & useful restraints & provisions held out by y<sup>e</sup> constitution. But what will



signify all these restraints, these provisions, these wise regulations while Congress is expressly empowered "to make all laws wh shall be necessary & proper for carrying into execution the several powers vested by this constitution in that body, or in any department, or officer thereof?" The Congress are hereby made y<sup>e</sup> Judges what laws are proper & necessary for executing y<sup>e</sup> several powers with which they are invested, &, being judges of this propriety & necessity, they may make what laws they please.

Let us, Sir, thoroughly investigate the force of this objection. I ask are the several specified powers, expressly lodged in Congress by this Constitution, proper & necessary? If some of them are improper & unnecessary, let them be singled out & let it be shewn wh of them are improper & unnecessary. If all are proper & necessary, then this power wh is under consideration is also proper & necessary. Unless this power were lodged in Congress, it would be idle to intrust that Assembly with y<sup>e</sup> making of law & regulations for y<sup>e</sup> general Gov<sup>t</sup>., because when made, they could not perhaps be executed in a variety of instances, without y<sup>e</sup> power of making such additional laws & regulations as they might judge fit to enforce & insure y<sup>e</sup> execution of y<sup>e</sup> former. To have given to Congress an authority & power to make laws & withheld y<sup>e</sup> means of enforcing them would have been a proceeding strange indeed in men so well acquainted with y<sup>e</sup> defects of y<sup>e</sup> existing system. It would have placed the proposed federal Gov<sup>t</sup>. in y<sup>e</sup> ridiculous & awkward situation of the present; the new model would have resembled the old; it would have been a gov<sup>t</sup> of recommendations & empty resolutions. We see therefore, Sir, that this power which has been so much questioned & so misrepresented must have been lodged somewhere; with whom could it with any degree of propriety be left but with that body of men who are intrusted with y<sup>e</sup> making of all laws & regulations relating to y<sup>e</sup> general or united Gov<sup>t</sup>.? It could not have been confided to the State Legislatures, because a difference of opinion amongst them, as to the means of enforcing the laws & regulations of Congress, would effectually stop their operation and leave us nothing but y<sup>e</sup> shadow, y<sup>e</sup> mockery of an unreal government, with all y<sup>e</sup> expence & none of the benefits of a real one.

But this power may be abused; and so possibly, tho' not probably, may every other power granted to Congress by this Constitution. We have y<sup>e</sup> same security that y<sup>e</sup> power in question will not be abused more than y<sup>e</sup> rest of y<sup>e</sup> powers; this security arises from y<sup>e</sup> manner, and frequency of electing y<sup>e</sup> members of y<sup>e</sup> federal Council, from the vigilance & jealousy of y<sup>e</sup> State-Legislatures, from y<sup>e</sup> Spirit, y<sup>e</sup> integrity, & discernment of y<sup>e</sup> people, from y<sup>e</sup> means of information with which they will be regularly furnished by Congress & their own Legislatures.

#### Senate

Some objections have been made to the continuance of y<sup>e</sup> Senate, & to that part of its legislative power by wh it is authorised to propose amendments to money bills. The rotation established among y<sup>e</sup> members of y<sup>e</sup> Senate will effectually check as I have observed all improper combinations among them; perhaps a contrary inconvenience from what is apprehended may result from this rotation if y<sup>e</sup> spirit of Jealousy should be too prevalent; the Senate may be too fluctuating a body & may therefore not possess that information & experience which might be obtained from a longer continuance of y<sup>e</sup> trust. The power of proposing amendments to money-bills can not surely be objected to by the middling & lesser States, whose pecuniary interests (all being equally represented in y<sup>e</sup> Senate) may by this power be more easily defended against y<sup>e</sup> encroachments, should any be attempted, of the other Branch, in wh y<sup>e</sup> influence of y<sup>e</sup> larger States, having a larger representation, may preponderate. Besides, y<sup>e</sup> taking away this unmeaning discrimination of power between y<sup>e</sup> two branches of y<sup>e</sup> federal Legislature in y<sup>e</sup> case of money bills will prevent much contention & loss of time in discussing what are properly money-bills.



And the objection has been made to the Senate: in some respects it may be considered as an executive Council; since by & with y<sup>e</sup> advice of  $\frac{2}{3}$  of the Senate present the President may make treaties. He is also to nominate and, by & with y<sup>e</sup> advice of y<sup>e</sup> Senate, is to appoint Ambassadors, other public ministers & consuls, Judges of y<sup>e</sup> Supreme Court, & all other officers of y<sup>e</sup> United States, whose appointments are not otherwise provided for by y<sup>e</sup> Constitution, & which shall be established by Law. This, it is contended, is an improper blending & mixture of the executive with y<sup>e</sup> Legislative powers of Gov<sup>t</sup>.—The assertion has been often repeated; but y<sup>e</sup> bad policy of this mixing of y<sup>e</sup> two powers in these instances has not been proved. Were indeed y<sup>e</sup> *whole* legislative & executive powers lodged in the same man, or body of men, great mischiefs might ensue: they might make tyrannical laws, & execute them in a tyrannical manner. But y<sup>e</sup> Senate is only a part, a branch of y<sup>e</sup> federal legislature, & no Bill can be passed into a law without y<sup>e</sup> consent of y<sup>e</sup> house of Representatives. There, then, is such a division of the legislative power as effectually destroys y<sup>e</sup> force of y<sup>e</sup> argument drawn from y<sup>e</sup> concentration of y<sup>e</sup> legislative & executive powers in the same person, or persons. The Senate is not the *sole* legislative power; consequently y<sup>e</sup> power of legislation is not united in y<sup>e</sup> Senate, as has been asserted, with y<sup>e</sup> executive power. Besides the Senate does not possess, but in a limited degree, a part of the executive power; it may be said to have a controul over y<sup>e</sup> executive in those instances in wh its advice & consent are necessary to give effect to particular & specified exercises of that power. The Senate, therefore, is neither totally legislative, nor totally executive; it possesses a certain portion of each of those powers.

#### Executive

Admitting y<sup>e</sup> legislative powers granted to Congress to be proper, y<sup>e</sup> powers vested in y<sup>e</sup> executive department seem to be a necessary appendage & consequence of y<sup>e</sup> former. Whether y<sup>e</sup> Executive is properly constituted is another question; whether for instance it should consist of a single person or of an executive Council may admit of doubt. I am rather inclined to think that y<sup>e</sup> Convention determined wisely in giving the executive to a single person, to be chosen in y<sup>e</sup> manner directed, for a short term, & subject to y<sup>e</sup> advice & controul of y<sup>e</sup> Senate in matters of y<sup>e</sup> greatest moment & particularly specified in y<sup>e</sup> Constitution. Could we be assured of always possessing a character so complete as that person deservedly & universally enjoys, who I doubt not will be chosen President by y<sup>e</sup> unanimous voice of his country, if this Gov<sup>t</sup>. is adopted, I should have no objection to that officer's being chosen for life. But ages may not produce another Washington. The frequency of election will remind y<sup>e</sup> President that he holds his office in trust for y<sup>e</sup> benefit of y<sup>e</sup> People by whom he is chosen. Placed in so conspicuous a station by y<sup>e</sup> deliberate, free, & affectionate suffrage of his countrymen, [his] regard to his own character, & to their interests, will induce him to discharge y<sup>e</sup> duties of it to y<sup>e</sup> best of his skill & judgments. Should his re-election at y<sup>e</sup> expiration of y<sup>e</sup> terms be an object of desire he can not in any other manner so well insure a continuance in office as by executing it with ability & integrity.<sup>29</sup>

It has been indeed suggested (& what may not a party spirit suggest) that by intriguing

29. For an interesting discussion of the merits of "an executive department in the hands of a Governor assisted by thirteen Councillors," see an anonymous letter sent to George Washington as President of the Convention in Philadelphia, dated "Cambridge, in Maryland: June 1st 1787" and postmarked July 8 (*Documentary History of the Constitution*, 4: 229–35). On September 7, 1787, George Mason proposed a modification of such a council "of State for the President of the U.S. to consist of six members, two of which from the Eastern, two from the Middle, and two from the Southern States, with a rotation and duration of Office similar to those of the Senate; such Council to be appointed by the Legislature or by the Senate"; but his motion was rejected (*ibid.*, 3: 699).

with y<sup>e</sup> federal Legislature, principally with y<sup>e</sup> Senate, he may perpetuate his power against the inclinations of y<sup>e</sup> People. How he is to compass this political manœuvre has not been discovered. A Legislature constituted in y<sup>e</sup> manner of y<sup>e</sup> federal Legislature does not seem calculated for intrigue, or likely to second an enterprize of y<sup>e</sup> kind. The members would thereby hazard y<sup>e</sup> loss of their seats, and eventually their power & importance; for men who should combine with y<sup>e</sup> President in so open a violation of their oaths & of y<sup>e</sup> constitution would not be pitied or protected when sacrificed in turn to y<sup>e</sup> same ambition.

If the manner of chusing the President be duly considered, it is impossible he should owe his election to secret & undue influence.

The Electors of y<sup>e</sup> President are to be appointed by the several States in such manner as their respective Legislatures shall direct. No Senator, or Representative, or person holding an office of trust or profit under the United States can be appointed an elector. The Electors are to meet in their respective States & vote by ballot for two persons, of whom one at least shall not be an inhabitant of y<sup>e</sup> same State with themselves. The Congress is to determine y<sup>e</sup> time of chusing y<sup>e</sup> electors & y<sup>e</sup> day on wh they shall give their votes, wh day shall be y<sup>e</sup> same throughout the United States.

Can the sagacity of man devise a mode better calculated to exclude bribery, & cabal? We may reasonably hope that the Electors appointed to chuse y<sup>e</sup> President will be men of understanding information, & character. Surely eight such persons may be selected from y<sup>e</sup> People of Maryland, & of y<sup>e</sup> other States in y<sup>e</sup> Proportion assigned; if they can be selected for any purpose, undoubtedly they will be selected for this. If men of a different stamp should be chosen, the fault will lie somewhere else & not with the constitution. Altho' cabal and bribery are excluded, force is not, & y<sup>e</sup> President may have recourse to the standing army to secure his election.

From whence is this standing army to be drawn into the several States to overawe the elections? Will the frontier posts be evacuated while this hopeful project is going on? If the usual garrisons remain in them, of what numbers must this standing army consist to admit of detachments sufficient to overawe the elections in thirteen States? Would ten thousand men be competent to the purpose? He who thinks so must have a contemptible opinion of our People. Does any one seriously imagine that y<sup>e</sup> peace establishment of our regular land forces will amount to half that number? How are they to be raised? to what end? how paid, how fed, how cloathed? The greatness & y<sup>e</sup> inutility of y<sup>e</sup> expence would discover y<sup>e</sup> danger of & defeat the attempt. Away then, Sir, with these visionary fears, wh betray y<sup>e</sup> ignorance of those over whom they have any influence & the interested views of others, who only pretend to be actuated by them.

We see y<sup>e</sup> President is to have the advice of the Senate in matters of y<sup>e</sup> greatest moment. No treaties can be made unless two thirds of y<sup>e</sup> Senators present concur; by & with y<sup>e</sup> advice & consent of y<sup>e</sup> Senate, he is to commission all ambassadors, public ministers, judges of y<sup>e</sup> Supreme Court & all other officers of the U S whose appointments are not otherwise provided for by y<sup>e</sup> Constitution. In the management of all these matters y<sup>e</sup> Senate is truly an executive Council of y<sup>e</sup> President. He may require y<sup>e</sup> opinion in writing of y<sup>e</sup> principal officer in each of y<sup>e</sup> executive departments upon any subject relating to the duties of their respective offices, who probably will be the most capable of giving him the best information on such subjects. The President therefore will neither want advice, sanction, or information. So far as he acts under y<sup>e</sup> sanction of y<sup>e</sup> Senate, he must participate with that branch the blame, if any should be cast on such part of his conducts as are directed by their advice & authorized by their consent. In all other matters he will be personally responsible for any misconduct; the responsibility in all these instances will be his own entirely & will not be divided amongst & shared by numbers. Of course he will

act with y<sup>e</sup> greatest circumspection & on the best information, thoroughly examined & approved.

The limited controul given to the President over the federal Legislature cannot possibly be attended with any bad effects; on y<sup>e</sup> contrary it may be productive of good by preventing the passage of improper laws.

#### Judicial Power

The several matters referred to y<sup>e</sup> decision of y<sup>e</sup> federal Judiciary are commensurate with, and are analogous to the legislative powers, & [are] properly cognisable in the tribunals of a federal Gov<sup>t</sup>., and cannot therefore with equal propriety be decided by the State courts.

The boundaries between the two jurisdictions are so distinctly marked as not to be broken in upon inadvertently; if any encroachments should be made on y<sup>e</sup> respective Jurisdictions, either by the State-courts or y<sup>e</sup> jurisdictions of the federal courts, or vice versa, these encroachments will be made with design & in direct violation of this Constitution. The federal Gov<sup>t</sup>. would be incomplete indeed, nay it would not deserve y<sup>e</sup> name, were it not empowered to establish courts of justice for y<sup>e</sup> decision of all cases in law & equity arising under this Constitution, the laws of the United States, & treaties made, or wh shall be made under their authority, & all cases of admiralty & maritime jurisdiction,—in short, of all y<sup>e</sup> other cases enumerated in y<sup>e</sup> second Sec. of the 3<sup>rd</sup> Article, for they are all of such a nature as seem to require y<sup>e</sup> interposition & adjudication of the federal courts.

How could y<sup>e</sup> federal Gov<sup>t</sup>. enforce its revenue laws & commercial regulations unless it had Courts to punish the breaches of them & compel obedience to their sanctions? The determinations of such matters could not consistently, or with safety in particular circumstances be left to the State courts; the revenue laws & regulations of y<sup>e</sup> federal Gov<sup>t</sup>. might not in that case be executed. Justice might not be done to foreigners, and to the citizens of the other States, & breaches of y<sup>e</sup> law of nations could not well be restrained & punished.

It has indeed been asserted that under the power given to lay & collect duties, the Congress may impose stamp duties on all legal proceedings, on deeds, wills, & all kind of instruments of writing transferring property, & to any amount, & that under the pretence of collecting these duties, & to prevent y<sup>e</sup> evasion of the laws wh impose them, y<sup>e</sup> Congress may bring the decision of all questions relating to y<sup>e</sup> conveyance, disposition & rights of property, & every question relating to contracts between man & man into y<sup>e</sup> courts of the general Gov<sup>t</sup>.

The objection is twofold: that a stamp duty may be proper, & necessary does not seem to be questioned. The objection goes to y<sup>e</sup> amount of the tax and to y<sup>e</sup> consequences. As to the first, I reply to this & every similar objection that the amount of all taxation must be limited by the object & proportioned to the expenditures, & these to y<sup>e</sup> means of y<sup>e</sup> People, & to y<sup>e</sup> utility & necessity of the expence, & that y<sup>e</sup> frequent statements & publication of y<sup>e</sup> receipt & expenditure of y<sup>e</sup> public revenue will effectually check, as I have already observed, all useless and dangerous expences.

As to the apprehended consequences, they appear to me fictitious, to be thrown out *in terrorem*. The federal courts in the cases alluded to, will only have to determine whether the documents or instruments of writing have been duly stamped; the contents of those instruments cannot, I apprehend, be questioned in y<sup>e</sup> federal Courts. Whether, for instance, a will or conveyance has been properly executed, whether it passes an estate for

life in fee or intail must rest with the State Judicatories, it being their peculiar province to decide all such cases between citizens of the same State.

The Congress has the power to ordain & establish inferior Courts, wh no doubt they will so distribute throughout the territory of the United States as to consult the ease & convenience of the People as much as possible. These inferior courts are to have original jurisdiction in all the cases specified in y<sup>e</sup> 2<sup>d</sup> Sec. 3<sup>d</sup> Art., save cases affecting Ambassadors, other public ministers, & Consuls, & those in wh a State shall be a party. Of these last, y<sup>e</sup> Supreme court is to have original exclusive jurisdiction. In all the other cases enumerated it is to have an appellate jurisdiction, both as to law & fact, with such exceptions & under such regulations as Congress shall make. It is to be presumed Congress will so organize their courts & make such regulations as will effectually prevent frivolous & vexatious appeals. They will probably limit & restrict appeals to causes above a certain sum & take away the appeal in cases of little moment, where the matter in controversy would not bear y<sup>e</sup> expence of an appeal.

But the Supreme court is to have an appellate jurisdiction "*both as to law & fact*"; therefore Congress may set aside the jury trial in cases coming under the cognisance of the Supreme Court by appeal. I must here observe, that it is expressly stipulated, that y<sup>e</sup> trial of all crimes, except in cases of impeachment shall be by jury, & that the trials shall be held in y<sup>e</sup> State where y<sup>e</sup> crimes were committed and when not committed in any State consequently no appeal will lie, in criminal prosecutions, from the inferior federal courts to the supreme federal Court.<sup>30</sup>

It has indeed been asserted by a lawyer of eminence that the appellate jurisdiction extends to criminal as well as to civil cases. He is certainly mistaken. If an appeal could lie in criminal cases from the inferior federal courts to y<sup>e</sup> Sup. fed. Court, then a person who had been acquitted in the infer. fed. Court on a prosecution for a supposed breach of some public law might be prosecuted for the same offence in y<sup>e</sup> Supreme court, found guilty & punished. No part of the Constitution can give y<sup>e</sup> least shadow or countenance to this inference so repugnant to its letter & spirit & to every principle of penal law. What security could y<sup>e</sup> citizens of these States derive from this provision "that y<sup>e</sup> trial of all crimes shall be by jury, & be held in the State where they were committed" when in *criminal cases*, if the general gov<sup>t</sup>. should not be satisfied with the verdict of the Jury, its officer might remove the prosecution to y<sup>e</sup> Supreme Court, "*where the verdict of the Jury is to be of no effect, but the Judges of this Court are to decide upon the fact, as well as the law, the same as in civil cases.*"

The Sup. fed. Court, it is true, has an appellate jurisdiction, both as to law & fact, in all the other cases "*before mentioned*"; but the cases "*before mentioned*" comprehend only *civil* cases, not *criminal* cases, of which hitherto there had been no mention. The appellate jurisdiction even in *civil cases* admits of such exceptions & regulations as Congress shall make. The immediately subsequent paragraph of the same Section [Article III, Section II] relates solely to *criminal cases*; it has no relation to or connection with the cases "*before mentioned*," to wit, *civil* cases; this paragraph expressly provides that "the trial

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30. Carroll completed the first known version of his "Remarks" on January 23, 1788. When he read the installment of Luther Martin's "Information to the House of Assembly" published in the February 1st issue of *The Maryland Gazette or Baltimore Advertiser*, he felt compelled to answer some of Martin's criticisms of the Constitution. On the remaining blank pages of the booklet in which he had written the first version of his "Remarks," Carroll wrote another five-and-a-half pages of "addenda" directed at Martin's comments, and he made notes in his text where insertions were to be made. From here until footnote 31, the text is taken from pages 34 and 39 of the Manuscript which, according to the note at the top of the latter page, were written on March 1, 1788.

of all crimes shall be *by Jury*," & that "the trials shall be held *in the State* where the *crimes* were committed." If the verdict of a jury could be appealed from in criminal cases, if it could be set aside and rendered of no effect, if the same case could be tried by a different jury in a different place, or not tried by a Jury at all, as Martin contends, then *in reality*, on every appeal the trial would neither be *by the Jury*, wh the Constitution directs, nor would it be held *in the State*, where the crime had been committed. The trial of the crime by Jury in the first instance, held in the State, and before the inferior federal Court, would be a meer mockery, a sham trial directed by the Constitution with no other view but to blind & mislead the People. Ought the gentlemen who framed the Constitution to be suspected of and charged, without y<sup>e</sup> least foundation, with such duplicity, so mean an artifice, so pitiful a delusion, with a concealed & latent intention so repugnant to the obvious sense & plain import of the words they have used to convey an ostensible meaning so very different from their true design?<sup>31</sup>

As to cases of property between Individuals, the Congress might perhaps devise & establish a mode of trial full as good as the trial by Jury: however they will probably suffer it to subsist wherever the cases will admit of it to gratify the wishes of y<sup>e</sup> People in favor of that kind of trial.

A variety of cases however may arise under the laws of Congress in wh it would be improper to admit that trial. For instance should Congress establish a general excise, a more summary mode of trial than by Jury, I conceive, will be necessary to give effect & validity to y<sup>e</sup> excise laws. Yet necessary as the laying aside y<sup>e</sup> trial by Jury might be in prosecutions for breaches of y<sup>e</sup> excise laws, I am of opinion that kind of trial could not be set aside without an express alteration of the Constitution for that very purpose in y<sup>e</sup> manner prescribed.

It is objected that on appeals from y<sup>e</sup> inferior federal courts the parties will not have y<sup>e</sup> advantage of a jury from y<sup>e</sup> *vicinage* that is, one of the parties may not. In all probability from this very circumstance, the trial will be more impartial, & consequently, y<sup>e</sup> chance of justice will be the greater.

The federal judicatories, it is said, will swallow up in time the Judicatories of the several States. How, Sir, can this happen when y<sup>e</sup> boundaries of y<sup>e</sup> respective jurisdictions are so plainly ascertained? When an impervious line of separation is drawn between them? All y<sup>e</sup> cases enumerated in y<sup>e</sup> Constitution are of the resort & within y<sup>e</sup> Jurisdiction of y<sup>e</sup> federal courts; all cases between citizens of the same State & arising under the laws of the State are subject to y<sup>e</sup> Jurisdiction of its Courts & cannot, I conceive, be drawn into y<sup>e</sup> federal courts. Surely the latter cases will be the most numerous, & if so, the State judicatories will have as much employment as those of the federal Gov<sup>t</sup>. But whether they have more or less employment is nothing to the purpose; the one cannot swallow up the other, because their jurisdictions are totally separate & distinct.

The objection to y<sup>e</sup> combined force of the three powers considered.

I have hitherto considered & I hope refuted the principal arguments wh have been separately urged against the three separate powers of the federal gov<sup>t</sup>: the Legislative, the executive, & judicial. It has been confidently asserted that y<sup>e</sup> co-operation & combined force of these three powers will gradually sap & finally overthrow the State governments. The assertion, or rather prediction, does not appear to be well founded, nor has it been

31. All direct quotes in the preceding two paragraphs are from the February 1st installment of Luther Martin's "Information to the House of Assembly," in *The Maryland Gazette or Baltimore Advertiser*. Here the "addenda" refers back to the main body of the manuscript.

supported by a train of just reasoning. I should not even deign to notice this prophecy, were it not to elucidate the excellence of this Constitution.

The three distinct powers of y<sup>e</sup> federal Gov<sup>t</sup>. are skilfully combined so as to balance each other, by that reciprocal check & counterpoise, which the most approved writers on Gov. consider as its chief perfection. Sir, this is not all; the federal Gov<sup>t</sup>. is not only well balanced by the judicious distribution of the powers which compose it, but the several State-Governments will always keep it within its own & proper sphere of action. Thus while it restrains the State-Governments within *their* orbits, it is by them retained within its own. Acting & acted upon, it will produce that order, that stability in y<sup>e</sup> civil, wh we see exists in y<sup>e</sup> physical world, where, if I may compare great things to small, every planet, every center of each system, attracting & attracted, repelling & repelled, keeps that station & rolls within those spheres which y<sup>e</sup> great Author of all being has prescribed to each. Dropping all metaphors & comparison, I beg, gentlemen, to reflect on the probable operation & effects of this new system. That it will influence, & be influenced by y<sup>e</sup> State Gov<sup>ts</sup>., who can doubt? By them it will be restrained, as I have said, within the limits prescribed to it by this Constitution, and [it] will circumscribe & confine the State-Gov<sup>ts</sup>. to y<sup>e</sup> proper exercise of their respective authorities. The federal Legislature will watch the State-Legislatures, nor will its proceedings escape their vigilance & attention. The executive & judicial of the State gover<sup>ts</sup>. will keep a fixed & stedfast eye on those departments of y<sup>e</sup> federal Gov<sup>t</sup>., whose duty it will be not to overlook any encroachments on their respective Jurisdictions.

Thus Sir, will be introduced that circumspection, that vigilance, I may venture to say, that spirit of jealousy, which are necessary to keep free gov<sup>ts</sup>. to first principles, & to bring them back to those principles, when they have departed from them. Let it not be feared that these multiplied checks will impede the motion of the great machine: they will equally prevent too much & too little, & produce that due admixture of energy & caution, of action & repose, wh constitute y<sup>e</sup> true, y<sup>e</sup> invigorating health, y<sup>e</sup> perfection of Gov<sup>t</sup>. Whilst y<sup>e</sup> jealousy of Independence will actuate the State-Gov<sup>ts</sup>. & render them more attentive to their respective rights & separate interests than to y<sup>e</sup> welfare of y<sup>e</sup> whole, the General Gov<sup>t</sup>. will embrace the interests of this whole, draw & connect them together into one system, & thusly guarding y<sup>e</sup> rights of all, will best secure & perpetuate the rights of each. Whilst a difference of interests, real or supposed, may influence the individual States, occasion temporary disgusts, and a contrariety of views, y<sup>e</sup> spirit of y<sup>e</sup> federal Gov<sup>t</sup>. will be one & entire; it will mix with, pervade, & animate the great body of the confederated Republick.

Spiritus intus alit: totamque infusa per artus  
Mens agitat molem, et magno se corpori miscet.<sup>32</sup>

I have faintly traced, Sir, the outline of a pleasing picture. Could I but animate y<sup>e</sup> canvass with that glow of colouring; that happy distribution of light & shade, so as to present visible to your eyes the enchanting Form of this perfect Govt., then might I exclaim in the words of great orator of Rome, O! Livideretus quam ardentis amores excitaret sui!<sup>33</sup> It has been asserted that in originally forming a constitution<sup>34</sup> the *assent* of every individual is necessary in order to make it obligatory on *each Individual*; that when once

32. The spirit within nourishes; and flowing through the limbs animates the whole mass, and mixes itself with the great body.

33. "O,—how much burning love it would excite."

34. At this point in the text Carroll again refers to his "addenda" which begins here and continues to footnote 38 below.

adopted, it cannot *be dissolved* by consent, unless with the consent of *every Individual* who was *party* to the original agreement.

From these premises the following consequence has been deduced. as “in forming one original federal Gov<sup>t</sup>., *every member* of that Gov<sup>t</sup>., that is, each State, expressly consented to it,” and as it is *a part of the compact* made & entered into in the most solemn manner, that there should be no *dissolution* or *alteration* of that federal Gov<sup>t</sup>. without the consent of *every State*, the members of, and parties to the original compact; That therefore, *no alteration* can be made by the consent of *a part of the States*, or by the consent of *the Inhabitants of a part of the States*, which can either *release* the States so consenting from the obligation they are under to the other States, or which can in any manner become *obligatory* upon those that shall not ratify such alterations.<sup>35</sup> The best way to prove any doctrine or position is to try y<sup>e</sup> consequences resulting from it; if these should be repugnant to y<sup>e</sup> common sense & feelings of mankind we may rest assured that y<sup>e</sup> premises from which they are deduced, are not sound and true. From the 1<sup>st</sup> position “*that in originally forming a constitution the assent of every individual is necessary to make it binding on each individual*,”<sup>36</sup> this absurdity would follow: either that *one Individual* might prevent the adoption of a new Constitution or the alteration of the old one, however necessary the adoption of a new Constitution or the alteration of the former might be deemed by the whole People, this one individual excepted, or that this Individual would not be bound by the laws and ordinances of the regular Legislature of the new Constitution or of the old one when so amended. Of course, he would not be bound to pay taxes and submit to any of the laws prescribed by the constitutional authority. Thus, this Individual would remain in a state of nature in the midst of civil society. He would not be subjected to any of its burthens but would participate of most of its advantages, such as personal security & many others.

From the 2<sup>d</sup>. position, to wit, “*that y<sup>e</sup> Constitution when once adopted cannot be dissolved by consent, unless with the consent of every Individual who was a party to the original agreement*,”<sup>37</sup> this absurd consequence would result: that a Gov<sup>t</sup>., however inconvenient [it was] found to be on trial & incompetent to y<sup>e</sup> end of its institution, could not be altered, or a new one be substituted to it, unless by the unanimous suffrage or consent of the whole People. A consequence so repugnant to common sense, to fact & experience evinces the falsity of the principle or position from which it is deduced; for were the principle true, no Gov<sup>t</sup>. could ever have been lawfully altered by any People, or a new one adopted, however imperfect the original form might have been [and] incompatible with the progressive state of society among that People. The form of Gov<sup>t</sup>. suitable to the infancy of a small society, or nation will always be found incompetent to govern their descendants when they have greatly increased their numbers, wealth, and power, when in short they may have made any considerable progress in the arts of peace, of commerce, the science of politictus, and the various refinements of civil society.

Would the same kind of Gov<sup>t</sup>. which prevailed among the savage tribes of Brittons when Julius Caesar invaded Great Britain, suit the vastly increased population, the present complicated interests & situation of that Island? Do the smallest traces of the Gov<sup>t</sup>. wh [obtained] at that time among the aborigines remain at this day? Did every Individual consent to the various subsequent changes which have taken place in the english Gov<sup>t</sup>. from y<sup>e</sup> extinction of the saxon heptarchy to the Revolution in 1688? Was the union of the

35. From the last installment of Luther Martin's "Information to the House of Assembly," which appeared February 8, 1787, in *The Maryland Gazette or Baltimore Advertiser*.

36. *Ibid*.

37. *Ibid*.



two kingdoms in y<sup>e</sup> reign of queen Anne made with y<sup>e</sup> unanimous consent of the scottish nation?

Did all the People of this country assent to the several Gov<sup>ts</sup>., which were established when the colonies declared themselves independent of G. B? Did not considerable numbers plainly express their dissent to the establishment of these Gov<sup>ts</sup>. by refusing to take the oath of allegiance of them? Were not these nonjurors bound by the laws of the respective States in which they resided, notwithstanding their dissent or recusancy?

I admitt that, in forming the present federal Gov<sup>t</sup>., each of the 13 States expressly consented to it, tho' a number of Individuals in each of these States withheld their assent. But, if y<sup>e</sup> principles in y<sup>e</sup> Latitude[?] laid down by Mr. Martin be true, then no one of these thirteen States could *lawfully* have abrogated the Gov<sup>t</sup>., and adopted a new one, because there was not one out of the thirteen in which the *unanimous consent* of its citizens was given to such abrogation.

The present federal Gov<sup>t</sup>. has been found on trial & by fatal experience to be totally incompetent to y<sup>e</sup> end of its institution. The alteration of it originated with the State Legislatures. Twelve States out of thirteen sent delegates to meet in Convention to concert & agree upon such alterations as in their opinion might create an efficient federal Gov<sup>t</sup>. This measure was sanctioned by Congress. When the Delegates met, a great majority of them determined that the present articles of Confederation could not be amended, that the federal Gov<sup>t</sup>. must be new modelled. They have reported a plan to be ratified or rejected by Conventions of Delegates chosen in each State by the People thereof. This plan has been laid before, and submitted by Congress to the People of the several States, accompanied with a resolution recommending to the several Legislatures to appoint the time & manner of holding Conventions in their respective States to take into consideration the proposed plan.

Time has been given for full consideration; arguments for & against the system have been freely published for the information of the People.

It is admitted on all sides that all authority flows originally from the People; the People *only* can alter the Gov<sup>ts</sup>. which they have established, or substitute new Governments to the old.

As the new system of federal Gov<sup>t</sup>. materially alters many of the present State gov<sup>ts</sup>., as this system is very different from the subsisting articles of Confederation, as the people of all the States are to be represented in one branch of the new federal Gov<sup>t</sup>. by their immediate Representatives and the respective States, or individual Sovereignities, in the other branch by their Representatives, it was absolutely necessary that the new Constitution should be submitted to Conventions of Delegates, chosen by the People in each of the States for the express purpose of considering this Constitution, and ratifying or rejecting it.

To say that the present articles of Confederation cannot be abrogated, unless all the Legislatures of the thirteen States consent to such abrogation (for this too has been asserted) is, in fact, saying either that the People cannot of themselves, and without the intervention of their Legislatures alter the federal Gov<sup>t</sup>., or that one State may obstruct the measures of all the rest, and prevent the establishment of a Gov<sup>t</sup>. which twelve out of the thirteen States may think absolutely necessary. The first position can not be maintained without depriving the People of their acknowledged right to alter & reform their governments, or to establish new ones, if they think proper. He who maintains the second position, viz., that *one State* may prevent all the rest from adopting a new federal Gov<sup>t</sup>., must support & make good this other position, or doctrine, that the minority may govern the majority, a doctrine contrary to all experience, to common sense, and to *every principle* of republican government.



The Independancy of each of the States is secured by the new Constitution; no new, particular, or partial burdens are imposed by it on any of them. All the States, indeed, ratifying this Constitution are to give up some part of their present powers, without which sacrifice, it has been judged by a great majority of Delegates from the twelve States who met in Convention, that no efficient federal Gov<sup>t</sup>. could be established. No injustice will be done to the four States refusing to ratify this Constitution if four should refuse to ratify it; it would be absurd to suppose & be unreasonable to expect that so great a majority as nine States out of thirteen will submit to all the inconveniences & danger of the present very defective system, because so small a minority, as four States, may not accede to it.

There is not to be met within the whole history of mankind a single instance where the sense of the People will have been so fairly collected as on the present occasion; in which their reason solely, and not their passions have been appealed to; in which no force, no menace, no undue means have been used by the advocates at least of the new Gov<sup>t</sup>. to influence their opinions and judgment. This new federal Gov<sup>t</sup>., if established, will be the result of reason and argument & will be founded on the express consent of a great majority of the People in the United States obtained in the fairest manner, after the fullest & freest discussion that was ever given to such a subject by any People upon earth.<sup>38</sup>

In refuting the objections wh have been made to this Constitution, I have occasionally noticed some of its perfections. I hope y<sup>e</sup> patience of this house, on wh I have already trespassed too much, will indulge me some time longer, while I point out those particular parts, not yet noticed, from wh I expect the People of this country will derive the most substantial benefits.

#### General advantages

In consequence of the several powers vested in Congress by y<sup>e</sup> 8<sup>th</sup> Sec. 1<sup>st</sup> Art., particularly the power to lay & collect taxes, duties, imports, & excises, we have every reason to expect that y<sup>e</sup> public securities will rise in value; that by having the interest regularly paid on them they will become a transferrable stock, negotiable in all considerable transfers of property. If this event should take place, everyone must perceive the advantages which those meritorious citizens will derive from it, who lent their money to y<sup>e</sup> Public in a critical time, or whose effects were forced from them to support the army in its greatest need. Then, Sir, will the Public be able to requite in some measure, tho' much too late, y<sup>e</sup> unexampled sufferings & patience of that patriotic army by whose perserverance & virtue exerted under y<sup>e</sup> pressure of accumulated distress, we are now enabled to decide whether we shall be a happy & free People, or, through our own fault, draw down upon ourselves & our posterity all the calamities attendant on, & consequent to, Anarchy, civil discord, & war.

Gracious God! suffer not so much blood to have been shed in vain! Shield from civil war & y<sup>e</sup> grasp of arbitrary sway this country, where the miserable from every quarter may find a refuge; where, enjoying civil & religious liberty, they may thankfully adore thy beneficent Providence in sincerity & truth, free from all restraints but such as public order and good goven<sup>t</sup>. require, & from all tenets & opinions other than the real dictates of a pure & enlightened conscience.

The Power to lay & collect *direct* taxes has been objected to, because it may be abused; were this sufficient reason ag<sup>t</sup>. giving power, none would be given because all power may be abused. The Checks established by this constitution are such as in all probability will prevent the abuse of power by those intrusted with it. If unfortunately, the event should be otherwise, the remedy will be with y<sup>e</sup> People, who ultimately, when the ends of Gov<sup>t</sup>. are

38. At this point the "addenda" refers back to the main body of the text.

evidently perverted, & all constitutional means of redress prove ineffectual must have recourse to such, as have been usually resorted to when y<sup>e</sup> governed, from the real oppression of their Rulers, wish a dissolution of y<sup>e</sup> Gov<sup>t</sup>. Congress, it is presumed, will not lay direct taxes, unless the other sources of revenue should not be sufficiently productive. If direct taxes should become necessary, a moderate capitation tax might be as little exceptionable as any other. The Legislature of this State has in fact imposed on certain persons a capitation tax in almost every assessment law notwithstanding our declaration of Rights.

Another advantage, Sir, wh will surely result from y<sup>e</sup> adoption of this Constitution will be the revival of public & private credit. The energy of the federal gov<sup>t</sup>. will gradually infuse a portion of its spirit into the State-gov<sup>ts</sup>.; the regulations with wh y<sup>e</sup> taxes will be collected, y<sup>e</sup> introduction of a better system of taxation more productive & less oppressive than y<sup>e</sup> present, y<sup>e</sup> order with wh y<sup>e</sup> public revenue will be administred, y<sup>e</sup> punctuality with wh y<sup>e</sup> debts & engagements of y<sup>e</sup> Public will be discharged, all these causes co-operating with others, wh it would be too tedious to particularise, will unquestionably restore public credit, & y<sup>e</sup> restoration of public credit will soon be followed, if not accompanied, by private confidence. The latter is the sure consequence of a good administration of justice, equal laws, & of y<sup>e</sup> security afforded by those laws to private property. The provisions contained in the 10<sup>th</sup> Sec. 1<sup>st</sup> Artc, will greatly contribute to remove those apprehensions wh have banished private confidence, occasioned hoarding of y<sup>e</sup> coin, a languid circulation, and consequent fall in the value & price of lands.<sup>39</sup>

The enemies of this Constitution have boldly asserted, for they assert roundly whatever they think will best promote their designs, that y<sup>e</sup> adoption of the new federal government will reduce the State-gov<sup>ts</sup>. to meer corporations. On what are these alarming predictions founded? Do they proceed from a serious apprehension of this consequence? Are they not rather the offspring of private interest, immoderate ambition, & a pretended love of Liberty? How often, & how fatally has this word been abused! Some, call liberty y<sup>e</sup> power of making laws to serve their own purposes: what State, Sir, in the union, has not experienced some of y<sup>e</sup> effects of this precious liberty? One, in consequence of it, is at this moment without gov<sup>t</sup>.; for shall we honor with that appellation the proceedings of a junto calculated to benefit one part of y<sup>e</sup> Community, at the cost or ruin of y<sup>e</sup> other?<sup>40</sup> The laws of every Gov<sup>t</sup>. should be founded on the principles of justice. These principles are immutable. Laws made in opposition to them are, in reality, not laws, but a perversion of one of the great ends of Gov<sup>t</sup>., the security & protection of property legally acquired.

How, Sir, I ask, are the State-gover<sup>ts</sup>. to dwindle into meer corporations if this Constitution is adopted? Of what powers are they divested by it, but such as no legitimate & just gov<sup>t</sup>. ought to exercise, or such only as ought to be lodged in the General Gov<sup>t</sup>.? Perhaps, I may be told, the power to emit bills of credit. Would it be prudent in the People of the individual States to suffer a power to remain with their Legislatures, wh they have so much abused, and which, from y<sup>e</sup> facility of abuse, there is y<sup>e</sup> strongest reason to apprehend would be often abused? Without an express relinquishment of this power it would be vain to expect a restoration either of private or public credit; y<sup>e</sup> sacrifice therefore is not only prudent, but necessary.

39. The state of public and private credit was always uppermost in Carroll's mind. For a recent study of his economic philosophy and his fortune see "Charles Carroll of Carrollton: English Aristocrat in an American Setting" by Edward C. Papenfuss, in *Anywhere So Long as there Be Freedom*, pp. 43-57.

40. Carroll is probably referring to Rhode Island where the assembly allowed debtors to discharge their obligations by depositing scrip with the nearest judge if their creditors refused to accept it. Debtors eager to settle their accounts with depreciated paper harassed creditors, a reversal of the situation which had provoked Shays' Rebellion in Massachusetts (Samuel Eliot Morison, *The Oxford History of the American People* [New York, 1965], p. 302).

I am firmly of opinion, Sir, that a more productive revenue a more economical management of it, & a better administration of justice will result from the adoption of this constitution, and that these important reformations will in time be extended to the State-gov<sup>ts</sup>. If these salutary effects should be felt, will not the State-gov<sup>ts</sup>., as well as the general Gov<sup>t</sup>., become more energetic? will not this energy tend to establish internal peace, useful regulations, y<sup>e</sup> improvements of our country, and a more flourishing state of commerce? Will not y<sup>e</sup> federal Gov<sup>t</sup>. thereby acquire greater consideration abroad & be enabled to make commercial treaties on a footing of mutual advantage & perfect reciprocity? What, Sir, is our present situation at home, & abroad? At home—an exhausted treasury, infeebled Governments, a bad administration of justice, multiplication of indigested & contradictory laws, rather calculated to encourage fraud than promote industry. Abroad—Shame, & reproach.

What, Sir, will be the probable issue of this situation, this posture of our affairs, if not speedily remedied? Not a temporary suspension of the powers of Gov<sup>t</sup>., but a dissolution of all gov<sup>t</sup>. Who can contemplate y<sup>e</sup> dreadful disorders, wh will inevitably insue, & not tremble for y<sup>e</sup> consequences? Will public liberty spring from anarchy, prosperity from devastation & carnage? Will not that nation, from whose yoke we are but just emancipated, avail itself of our weakness & discord? Their resentment & ambition, I fear, subsist, and their means of gratifying both are rapidly increasing. What measure so timely to avert these impending evils as the speedy adoption of this constitution? While we are deliberating, the horizon lowers, y<sup>e</sup> clouds are gathering, y<sup>e</sup> storm approaches; every moment is precious; all delay dangerous. Is this Constitution so pregnant with mischief that we should hazard even a small part of y<sup>e</sup> consequences mentioned, rather than adopt it? Would another Convention agree upon a better? What, after all, are its mighty defects, from wh speculative theorists or factious citizens forebode y<sup>e</sup> extinction of Liberty? In matters of Gov<sup>t</sup>., experience is a better guide than Theory: if time & experience shall discover defects (& what human institution is free from them?) this Constitution provides a remedy; they may & will be corrected when really felt. The Constitution of England, in y<sup>e</sup> praise of wh so much has been written, was that y<sup>e</sup> work of a day? Has not the lapse of ages worn away its asperities, given it that polish, & brought it to that maturity & perfection which render it the envy & admiration of the surrounding nations?

I have endeavoured Sir, to shew that this Constitution is not liable to the defects with which it has been charged. I have pointed out some of its perfections, and some of the advanta[ge]s wh I firmly believe will be derived from it. Impressed with the opinion that this Constitution is not only free from any great defects, that it is the very best wh can be obtained, under present circumstances, that the rejection of it would be fatal, and the delay little less so, wh the suggested alterations would oppose to its ratification, I shall cheerfully give it my vote in its present form.

I have said, Sir, that y<sup>e</sup> adopting the new federal Government will produce great & permanent benefits to this country. This, however, I have asserted on y<sup>e</sup> supposition that it will be well administred; for under the most perfect form & theory of gov<sup>t</sup>. the People can not be happy, & y<sup>e</sup> Commonwealth [not] prosper, unless y<sup>e</sup> persons intrusted with y<sup>e</sup> public authority discharge their respective functions with diligence, Judgment, & integrity. If the federal Government should not be well administred, the frequency of elections will enable y<sup>e</sup> People to displace negligent, incapable, or dishonest trustees & to substitute in their room men of opposite characters.

It has been observed, & y<sup>e</sup> observation is confirmed by experience, that y<sup>e</sup> manners & genius of a People are much influenced by y<sup>e</sup> nature of the gov., & it must be allowed that y<sup>e</sup> manners & genius of y<sup>e</sup> People reciprocally influence their gov<sup>t</sup>. Hence y<sup>e</sup> maxim that a Republic ought rather to be governed by manners than laws; unquestionably y<sup>e</sup> latter receive their colour & complexion from y<sup>e</sup> former. Who would look for wise & just laws

among a people generally corrupt & vicious? If, by accident wise & just laws should be enacted, they would remain dead letters, their spirit & tendency being inconsistent with the general habits and disposition of such a People. The opinion I entertain that the manners of the great body of the People of these United States are as yet good, affords me the most heartfelt satisfaction; but that a vicious legislation, during the war & since the peace, has began to infect them is a melancholy truth. How important is it then to seize y<sup>e</sup> lucky moment, to stop y<sup>e</sup> infection ere it spreads too wide, & to adopt a Gov<sup>t</sup>. conformable to y<sup>e</sup> present general manners, habits, & genius of the People, & wh may not only preserve these habits & manners from degeneracy, but improve & perfect them, & correct, before it be too late, the disorders & vices introduced by dissipation, the contagion of bad examples, & dishonest laws.

If the adoption of this Constitution should be unreasonably delayed, y<sup>e</sup> opportunity may be lost of adopting it with effect; the inveteracy of the disorder may not sometime hence admit of a cure, for rapid is the progress of vice. A People accustomed to a feeble gov<sup>t</sup>. & familiarized with its defects will impatiently submit to y<sup>e</sup> restraint of wholesome laws. Rendered incapable by y<sup>e</sup> prevalence of factions, by idleness, & profligacy of governing themselves, they must yield sooner or later to despotic rule. Such has been the destiny of every People, once free, but who knew not how to enjoy the blessings of freedom; who, suffering their liberty to become licentiousness & disregarding all order & decorum at the instigation of faction or necessitous leaders, passed laws subversive of every principle of law & justice to glut their resentments & avarice.

I could, Sir, illustrate & confirm these remarks by many examples drawn from ancient, & some from modern history. I shall select one from y<sup>e</sup> annals of a nation whose situation at a particular period, in many respects resembled what ours is at this day. I mean the Greeks.

#### Digression—Grecian History

Altho' I presume many in this Assembly are well acquainted with y<sup>e</sup> principal events recorded in y<sup>e</sup> history of that famous People, yet few perhaps have reflected deeply on the causes wh lead to them. The Territory of Greece was parcelled out into many independent cities & States; some were governed by an aristocracies; in others Democracy prevailed. Sparta, Athens, & Thebes were the principal States, & each of these, in its turn, acquired a preponderating weight & influence among the confederated Greeks; for all y<sup>e</sup> grecian cities & States were confederated, & represented in one general Council, well known by y<sup>e</sup> name of the Amphytionic Council, the powers of wh seem to have been very limited, fluctuating, & undefined.

A principle of self-defence ag<sup>t</sup>. y<sup>e</sup> invasions of the barbarous tribes of Thrace gave rise to the institution of this great Council. It afterwards presided over y<sup>e</sup> religion, & y<sup>e</sup> public games of Greece, and continued y<sup>e</sup> center of union for these purposes, and also occasionally for political negotiations. During the Ascendancy of Athens, Sparta, & Thebes, its political importance was inconsiderable; while those States preserved their power, sub-confederacies & leagues were formed by the other cities & States of Greece, as an attention to y<sup>e</sup> balance of power, y<sup>e</sup> influence of leaders, the state of parties, or a similarity of gov<sup>t</sup>. happened to incline them.

When Athens, Sparta, & Thebes had exhausted their strength by repeated & obstinate struggles for preeminence, & had sunk to a level with several of the other States, the Amphytionic Council then acquired more consideration & power.

At this critical junction had y<sup>e</sup> grecian Republicks been fully sensible of the advantages wh they might have reaped from a well organized federal Gov<sup>t</sup>., had they established such a gov<sup>t</sup>., as is now proposed to this Confederacy, in all probability Greece would have

preserved her liberty for many ages, perhaps even unto this day. That sagacious People however either did not perceive y<sup>e</sup> advantages of such a Gov<sup>t</sup>., or, wh is more probable, the animosity of parties prevented them from availing themselves of the opportunity to establish a federal Gov<sup>t</sup>. on fixed principles and with competent powers. What, Sir, was y<sup>e</sup> consequence of this fatal oversight & omission? Philip of Macedon, a warlike, artful, & ambitious Prince, altho' his country formed no part of Greece, by intrigue & bribery got to be admitted a member of the Amphytionic council, & soon prevailed on that Assembly to declare him general of their forces. The intrigues & ambition of Philip escaped not y<sup>e</sup> vigilance & penetration of the great Demosthenes: the animated & unrivalled eloquence of that patriotic Statesman could scarcely rouse the Athenians from y<sup>e</sup> lethargy in wh they had long been sunk, & draw them from their favourite amusements of the Theatre & forum to attend to y<sup>e</sup> political situation of Greece, & y<sup>e</sup> defence of its Liberties.

The Ancestors of these very Athenians some what more than half a century before this period, had, in conjunction with their confederates, successfully resisted the repeated invasion of y<sup>e</sup> great King, had defeated his numerous armies with a comparatively small force in y<sup>e</sup> plains of Marathon & Platea, & his formidable fleet in y<sup>e</sup> gulph of Salamis, had subdued all the Islands of the wide Egean, expelled his garrisons from Asia Minor, restored freedom to y<sup>e</sup> grecian colonies settled along that coast, & spread the terror of their arms to the gates of Persipolis. The degenerate contemporaries of Demosthenes & their immediate predecessors, unmindful of the mighty deeds of their great forefathers were principally employed in deciding causes, listening to y<sup>e</sup> declamatory harangues of Demagogues, promoting their accusations against innocent citizens, and punishing with exile or death the most conspicuous for their merit & virtue. They had diverted the greatest part of y<sup>e</sup> public revenue from y<sup>e</sup> maintenance of their fleet & army to theatrical entertainment; the Theatre had ceased to be y<sup>e</sup> school of virtue & sentiment. The sublime conceptions of Sophocles, the moral & pathetic strains of Euripedes no longer elevated the minds or melted the hearts of the Athenians and excited them to virtue. Their taste, as well as manners, was vitiated; they were better pleased with y<sup>e</sup> warse buffooneries of a comic poet, & his illiberal abuse of the godlike Socrates, y<sup>e</sup> ornament not of Athens only, but of human nature: him they doomed to die, because his precepts & practice were a constant reproach to their doctrines & vices.

What a contrast between the Athenians I am speaking of, and those who fought & conquered at Marathon, Salamis & Platea! Yet scarce an interval of 60 years divided the two periods. So great a degeneracy in so short a space would not be credited were the causes wh lead to it unknown.

History, Sir, has recorded these causes for our instruction. Pericles & his successors removed those salutary restraints on the democracy with wh the wisdom of Solon had fettered it. Freed from these restraints the People of Athens broke out into all those excesses, wh a democracy is too apt to run into, when uncontrouled.

Such, Sir, was the situation of Athens when Philip openly invaded the liberties of Greece, wh he had been secretly undermining for twenty years. Demosthenes had to contend not only against the habits & temper of his countrymen immoderately fond of pleasure, & jealous of every reform, but likewise to counteract & expose the perfidy of some of his fellow citizens; the gold of Macedon had found its way into the bosom of Athens; Philip had some distinguished Athenian Demagogues in his pay. All these obstacles, however, the zeal, the perseverance, the eloquence of one citizen surmounted. The event is well known. The Athenians, when too late, met Philip in hostile array on y<sup>e</sup> field of Chaeronea; in that fatal & decisive day the Macedonian triumphed over y<sup>e</sup> liberties of Athens, & of Greece.

With y<sup>e</sup> liberty sunk the genius of Greece. Oh! may the sad catastrophe be a useful

lesson to the People of this country, & impress on their minds y<sup>e</sup> importance the necessity of an energetic union in the polity of independent & confederating States. This union cannot exist, at least it can be of no long duration, unless a general, well defined, & co-ercive gov<sup>t</sup>. be established, by whose decisions, as y<sup>e</sup> controaling superintending power, all differences among the confederates must be settled & composed. Destitute of such a Gov<sup>t</sup>., the turbulent Republics of Greece had but one way of terminating their contests, an appeal to arms. They had no common umpire to resort to, possessed of power sufficient to inforce obedience to its decrees; civil discord & wars consumed their strength; the animosity of contending factors prevented an union of councils against domestic violence and external force. Thus they at last fell an easy prey to y<sup>e</sup> ambition of Philip, or rather to their own dissensions.

If so small a country as Greece, whose continental possessions were scarcely equal to Scotland, could not escape the fatal effects of civil discord, if those little Republics lost their liberties & Independance from y<sup>e</sup> want of an efficient federal Gov<sup>t</sup>., should not these States, whose territories are so extensive, dread their destiny if they imitate their example?

Cast, Sir, your eye on the map of our vast domain; in fancy then ascend the highest ridge of yonder mountains; from their lofty summit contemplate one vast plane sloping from the foot of the Alleghany to y<sup>e</sup> old Atlantic, and stretching from north to South a thousand miles, watered by mighty rivers precipitating their course eastward, down this declivity, to the sea; rivers wh now only fertilize & ornament, yet destined soon to waft to y<sup>e</sup> ports of commerce the varied produce of the lands thro' which they flow. Turn now, Sir, from this magnificent prospect, & looking westward, view one continued forest, old as the creation, reaching from y<sup>e</sup> same chain of mountains to y<sup>e</sup> Mississippi. Silence & shade cast a deep & melancholy gloom over the solitary scene, the haunt of prowling beasts & of men uncivilized, more savage than the beasts of prey.

Is it y<sup>e</sup> illusion of fancy? is y<sup>e</sup> quick transition from dreary solitude to population imaginary, or real? See the wilderness disappears; the fables of Greece are realized; men start from the earth, not armed as of old for each others destruction, but provided with y<sup>e</sup> implements of husbandry to till a most inviting & grateful soil. What sources of future wealth & grandeur open upon the imagination! yet alas! what sources of discord too!

The territory of these States is more extensive then y<sup>e</sup> Empire of China, whose population is said to exceed 130 millions. The time may arrive when our population may equal that of China; the day probably is not distant when our members will amount to ten millions spread over a large expanse of country differing in climate, soil, & productions. Can such an increasing multitude, forming so many Independent States, be held together in the bonds of amity by any other means than a co-ercive federal Gov<sup>t</sup>., whose influence & authority in all matters of general concern may pervade the whole confederacy?

To me, it appears that we have only y<sup>e</sup> alternative left of establishing & submitting to y<sup>e</sup> controul of such a gov<sup>t</sup>., or of crumbling into many distinct confederacies. Among different confederacies, different forms of Gov<sup>t</sup>. may arise, most assuredly they will produce a compe[ti]tion, a contrariety of interests, of views, and of manners: hence the origin of wars, devastation, rapin, hatred. Ill-fated America, must your plains too be deluged with kindred blood! Must your sons experience all those calamities which have afflicted the human race in the other quarters of the globe!

Oh improvident forefathers! ye had the means of preventing the miseries which we now endure; the opportunity is lost, never to return; our suffering will be as lasting as the causes of our discord & conflicts; no power but y<sup>e</sup> power of the strongest can now compose them. Reason, moderation, justice, a sense of a common interest & of common ties have no share in y<sup>e</sup> decisions of force; these decisions will be no longer submitted to than the force

exists & operates on the vanquished. Such would be the unavailing complaints of our wretched descendants, under such circumstances.

Never, oh never, Sir, may our posterity have just cause to reproach us with this want of foresight, this inattention to our own fame & character, and to their interests. Let us entertain a better hope; we are laying the foundations of present & future concord among the States composing this Union, & those wh will hereafter be admitted into it. In perpetuating concord we shall best promote their permanent prosperity. God of peace, smile propitious on these efforts of your creatures, enlighten our understandings, & infuse into our hearts that love of order wh reigns so eminently in all thy works.

The system of Gov<sup>t</sup>., Sir, wh we are convened to determine upon has been planned by some of y<sup>e</sup> wisest & greatest characters on this Continent. All admit that the present federal Gov<sup>t</sup>. is totally inadequate to manage the concerns of y<sup>e</sup> Confederacy, & all agree that a gov<sup>t</sup>. competent to the purpose ought to be established with the least possible delay.

The objections to the proposed plan I hope have been in great measure done away. Admitting however, that it may have some defects, will it not be safer to suffer time & experience to unveil them, than by too stedfast an adherence to theoretical opinions, wh may be erroneous, expose the Union to y<sup>e</sup> danger of its present weakness, & [to] increasing difficulties?

That men should differ on a subject in itself intricate, & of so much importance, is not surprising: but surely many of the consequences imputed to this plan have originated in strong prepossession & prejudice. They bear the visible impression of a party-spirit, a heated imagination, and misguided judg<sup>t</sup>.

If ever harmony in public councils was necessary, it is necessary on this occasion. I could wish for unanimity; of this however I despair. Altho' gentlemen may differ within these walls, the decision of the majority will not, I trust, be intemperately opposed without doors. Nay, I flatter myself it will not be opposed at all; for opposition, if carried on with passion & rancour, may occasion some of those evils this Constitution was intended to prevent, & thus the conduct of the minority will be justly chargeable with those very consequences, w[h]ich, it has been confidently asserted, will result from y<sup>e</sup> adoption of the Plan. Genius of peace & concord, offspring of Liberty, mild Tolerance here best understood & most adored, diffuse thy gentle spirit among this favoured People! & thou, O Liberty, true source of every generous & human affection, drive from this land, your destined residence, Anarchy thy deadliest foe. Reason shall shield thy throne and establish thine empire on the durable foundations of Justice.



# Manuscript Notes

## A CHECKLIST OF REVOLUTIONARY WAR MANUSCRIPT COLLECTIONS ACCESSIONED AND CATALOGUED SINCE PUBLICATION OF THE MANUSCRIPT COLLECTIONS OF THE MARYLAND HISTORICAL SOCIETY

RICHARD J. COX

SINCE THE MARYLAND HISTORICAL SOCIETY WAS FOUNDED IN 1844, RESEARCHERS have been most interested in the colonial and revolutionary eras. Forty-one and a half percent of the research applications completed for the Manuscript Division from 1970 to 1974 indicated colonial and revolutionary subjects.<sup>1</sup> There are at least two reasons for this. One is the general fascination of Maryland historians with these periods. The past twenty years of the *Maryland Historical Magazine* are most revealing in that nearly 48 percent of the main articles relate to these periods.<sup>2</sup> Secondly, the strengths of the Society's manuscript collections are seventeenth and eighteenth centuries, at least as far as the researcher is concerned. The Scharf, Calvert, and Dulany Papers and the Revolutionary War Collection continue to be the most widely used.<sup>3</sup>

Despite this heavy usage many collections with significant Revolutionary War materials have been neglected. Researchers have seldom used collections accessioned and catalogued since the 1968 *Manuscript Collections of the Maryland Historical Society* and such other collections as the Colonial and Revolutionary War Collections composed of items removed from the Vertical File.<sup>4</sup> The purpose of this guide is to draw attention to neglected but important Revolutionary War papers and encourage their use. In addition to this checklist and the 1968 guide, researchers should also be aware of Nancy G. Boles, "A Checklist of Loyalist Manuscripts in the Maryland Historical Society," *Maryland Historical Magazine* 68 (Summer 1973): 196-98, and "Black History Collections," *ibid.*, 66 (Spring 1971): 72-78.

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1. In the percentile given genealogical subjects were excluded since they indicate no preference chronologically. Even if included (81 genealogical plus 340 chronological) those indicating colonial and revolutionary subjects (141 total) would represent 33.5 percent overall.

2. I did not include "sidelight" articles or regular articles contributed by the Society's staff. From volume 50 to 70 there were 298 major articles, 83 on the colonial period and 60 on the Revolution.

3. These four collections rank, in the order listed, as the most frequently used collections during the years 1970-75. The Scharf Papers and the Revolutionary War Collection are mostly related to the Revolution; the Calvert Papers are the records of the proprietary family; and the Dulany Papers are the records of Daniel Dulany the Elder and Younger, prominent lawyers and politicians in the eighteenth century.

4. For an impressionistic survey of this see my "A Description of the Vertical File," *Maryland Historical Magazine* 69 (Spring 1974): 86-90.



This guide has retained a format similar to the 1968 publication. The collections are arranged alphabetically with the manuscript number (MS.) following the collection's title. For each collection a detailed description has been presented of the Revolutionary War items (I have used the traditional dates of 1763-89 in most cases). Should there exist a more detailed finding aid or published description, it has been included. The figures on collection size and inclusive dates are representative of the complete collection, not only those items under consideration here. Fifty-five collections are listed covering a wide range of subject matter. For those interested in economics see collections 1-6, 8, 13, 15, 17-19, 21-23, 25, 28-32, 35-38, 40, 42-43, 46, 48-50 (these numbers refer to the consecutive numbers in the left margin); Loyalists 27, 40; military 7, 16, 20-21, 24, 34, 40-41, 47-48, 54-55; politics and law 3, 6, 19-20, 26, 32-33, 40, 47, 52-53; religion 14, 39, 44-45; and social 1, 6, 12, 21, 25, 32, 40, 46, 51.

1. Archer-Mitchell-Stump-Williams Family Papers, MS. 1948

This collection contains the courting letters between Jonathan M. Anderson of Cambridge, Maryland, and Maria Cortlandt of New Jersey. These letters, consisting mostly of gossip and comments on health, do have allusions to the war and conditions in the states at that time. There is also an unidentified account book of 1786-87. For a further description see Barbara S. Murray, "The Archer-Mitchell-Stump-Williams Family Papers (MS. 1948)," *Maryland Historical Magazine* 68 (Summer 1973): 330-32. An inventory is available in the Manuscript Division.

23 boxes and 2 vols., 18th to 20th centuries

2. Baltimore County Debt Book, MS. 1711

The debt book is only a fragment (pp. 103-9) including 56 names. A name index is also included but is not related to the debt book.

1 vol., c. 1765-66

3. Carmichael, William, Collection, MS. 2143

Carmichael, born in Maryland, served in the Continental Congress and as a diplomat to Spain from 1780 to 1794. This group of papers consists of a series of letters written to Carmichael while in Spain. Charles Carroll of Carrollton wrote (1779) two long epistles on the financial measures of the Congress, particularly the public debt. His brother, Richard Bennett Carmichael, wrote (1782, 1787) on family news. A letter from Gouverneur Morris reassured Carmichael (1784) about keeping his post in Spain and outlined his plan to dispose of the public debt. George Washington asked him (1785) to thank the King of Spain for the gift of "two jacks."

10 items, 1739, 1779-91

4. Carroll, Charles, of Carrollton Collection, MS. 1893

The Carroll Collection includes a 1767 letter of Clement Brooke to his "partners" about the agreements on corn with replies by Charles Carroll,

Barrister, Benjamin Tasker, and Walter Dulany (this probably concerns the Baltimore Company, an iron manufacturer); a 1784 letter of Charles Carroll of Carrollton to David M'Mechen regarding the ownership of Bohemia Manor; and a 1787 letter from Carroll to Ignatius Davis over Carroll-owned land.  
31 items, 1757–1854, 1967

5. Cheston/Galloway Papers, MS. 1994

The bulk of this collection concerns James Cheston who started as a merchant in Chestertown in 1767 and moved to Baltimore in early 1770. Cheston was originally a partner of William Stevenson of Bristol and after 1769 the partnership included William Randolph also of that city; the firm dissolved in 1776. Their principal activities centered about convict servants and tobacco. After the Revolution Cheston settled in Anne Arundel County and died in 1798. The collections consists of three volumes of letterbooks, 1768–76, 1782–85; three volumes of daybooks, 1780–90; miscellaneous ledgers, order books, plantation records, journals, 1769–98; a tobacco book of Stevenson, Randolph, and Cheston, 1771–72; factorage accounts of William Stevenson, 1767–71; and nine boxes of correspondence, 1765–89. Since Cheston married a daughter of Samuel Galloway of "Tulip Hill," there is some material ( mostly letters and accounts) about him. For an introduction to the family see J. Reaney Kelly, "'Tulip Hill,' Its History and Its People," *Maryland Historical Magazine*, 60 (December 1965): 349–403. There is also a very sizeable group of this family's papers at the Library of Congress.

23 boxes, 1742–1961

6. Colonial Collection, MS. 2018

A large portion of this collection is dated after 1763 including accounts, promissory notes, bonds, deeds, indentures, letters, inventories, etc. Some specific examples are a daybook of an Annapolis merchant, September 16, 1772, to April 21, 1773; a 1769 letter from Francis Brerewood discussing a suit versus Lord Baltimore for recovery of land in Baltimore county; and a 1775 letter of Governor Robert Eden indicating his preparations to depart the colony. A complete catalog is in the Manuscript Division.

c. 600 items, c. 1620–1775

7. Cox, James, Papers, MS. 1909

A tailor in Baltimore before the war, Cox served as a major in the Baltimore Town Battalion of Militia under William Smallwood. These papers include an agreement of Cox with his servant to go on a privateer, 1776; a letter from him to his wife Mary describing the campaign in October 1777 near Philadelphia (he was killed at Germantown); and papers, 1778–89, of his estate and documenting his wife's efforts to obtain financial assistance from the state of Maryland.

21 items, 1774–95

8. Davidson Papers, MS. 1915

Ledger of John Davidson, an Annapolis storekeeper, with entries for Maryland

leaders and for Congressional delegates when the Continental Congress met there in 1784.

1 reel, 1780-1809 (microfilm of original at the Library of Congress)

9. Davis, John, Account Book, MS. 1475

The Davis book consists of an incomplete account book (commencing on page 57) of this Eastern Shore landowner and miller. The volume includes the records of labor, taxes, sales of corn and wheat, and the expenses involved in harvesting and milling these crops. A section of the book has a detailed inventory of the estate of James Round of Worcester county, 1774, which numbered 23 slaves; a page with notes on British activity in Cecil County in 1777; and a song dedicated to George Washington.

1 vol., 1751-82

10. Dorsey, Henrietta Maria Chew, Journal, MS. 1774

Day by day accounts against the estate of Mrs. Dorsey.

1 vol., 1763-65

11. Dorsey, Leonard, Collection, MS. 1874

Dorsey was a Philadelphia merchant. Letters addressed to him from William Young and Amos Loney, Baltimore merchants, discuss the price of various commodities, market conditions in both cities, trade between the cities, etc. Commodities mentioned include tea, sugar, tobacco, steel, rum, coffee, salt, whiskey, and molasses.

16 items, 1778-79

12. Dulany Papers, MS. 1919

The Dulany Papers have a 1779 letter from John Montgomery in London to "Kitty" Dulany explaining his decision to leave Maryland. Most of the correspondence discusses family news and business and includes letters from Walter Dulany (1787), Daniel Dulany (1785-86), Mary Dulany (1783), Eliza Key (1780), Horatio Belt (1783), and Eliza Maynadier (1786).

3 boxes, 1737-1897, 1920

13. Elk Ridge Landing Papers, MS. 1894

These are accounts, possibly of a storekeeper at Elk Ridge Landing in Baltimore County, with mentions of china cups and saucers, tea and sugar, clover seed, leather goods, tobacco, and fabrics.

24 ledger sheets, 1786-87

14. Evangelical Reformed Church Papers, MS. 1752

The records of this Frederick church start in 1779. The earliest records are marriage license applications.

2 boxes, 1779-1866

15. Fitzhugh Account Books, MS. 1831

These account books of Col. William Fitzhugh of Calvert County, Maryland,

depict the operating costs of his plantation. Items appearing frequently are tobacco, wheat, household goods, farming utensils, and supplies. (Restricted temporarily because of condition.)

2 vols., 1761-74

16. Fourth Maryland Regiment Account Book, MS. 1655

This is the account book of the paymaster of the Fourth Maryland Regiment under the command of Col. Josias C. Hall for March-August 1777. Clothing requisitions, pay abstracts, daily receipts etc. are included.

1 vol., 1777

17. Hammond, Nathan, Account Book, MS. 429

A 319-page volume documenting Hammond's commercial activities in rum, sugar, tobacco, spices, etc. Hammond was an Annapolis merchant active from about 1759 to the Revolution.

1 vol., 1764-68

18. Hanson, John, Account Book, MS. 1785.1

Hanson's records includes accounts of household and plantation expenses; accounts of the Council of Safety for purchasing guns, blankets, and other materials; the Continental Congress's account with the Frederick County Committee of Observation; and the Continental Congress's account for prisoners.

1 vol., 1775-82

19. Hanson, John, Letters, MS. 1785

This collection consists of letters written by Hanson to his son-in-law, Dr. Philip Thomas of Frederick. There are numerous references to the various military campaigns, the scarcity of food and money, difficulties in fulfilling Maryland's quotas of men and supplies, the weakness of the government, the André-Arnold plot to capture West Point, the surrender of Cornwallis, naval engagements off the West Indies, the peace negotiations, and the opening of the Philadelphia National Bank in 1782. There are also comments on family health and management of the plantation and slaves. During this period Hanson was a member of the Continental Congress and president of the United States in Congress assembled from 1781 to 1782. For further notes see Nancy G. Boles, "The John Hanson Collection," *Maryland Historical Magazine* 65 (Fall 1970): 304-5.

54 items, 1780-83

20. Harford County Committee of Observation Record Book, MS. 2159

The record book includes the minutes of this committee from December 8, 1774, to June 11, 1777, with mentions of the Boston blockade, illegal landing of British goods in Baltimore Town and Harford County, election of delegates to the Provincial Convention, the raising of militia companies, etc. In the volume are also a summary of the committee's financial accounts as of August 1, 1777; list of non-associators and non-enrollers in Harford County to September 10, 1775; fines

of non-associators and non-enrollers in this county, September 10, 1775; a 1776 census of the county; an inventory of arms and supplies belonging to the state, 1777; minutes of the Committee of License for Harford County, September 1775 to September 1776; financial accounts of the Committee of Observation, March–July 1776; financial records of equipping Capt. Francis Holland's company; and the payment to census takers in 1777. This volume is a photostat of the original temporarily located on deposit at the Maryland Historical Society. A photostat is also available at the Hall of Records in Annapolis and at the Library of Congress. The minutes of the Committee of Observation, the list of non-associators and non-enrollers, and the 1776 census are published in full in Walter W. Preston, *History of Harford County, Maryland* (Baltimore, 1972), pp. 278–344.

1 vol., 1774–77

21. Haynie Papers, MS. 1815

A part of the collection is the letters of Ezekiel Haynie, a former surgeon in the Maryland Line. The letters (1782, 1785–88) mainly reflect his medical career and family after the Revolution. The collection is all transcripts; the letters from the period of the Revolution are published in Doris M. Cohen, "The Haynie Letters," *Maryland Historical Magazine* 36 (June 1941): 202–14.

99 items, 1782–99, 1810–39

22. Hughes, Joseph, Harford County Collection, MS. 1675

The Hughes papers contain a daybook for a store run by Aquila Hall at Bush Town, February 4, 1775, to September 7, 1776. The most common sales are wheat, bran, flour, rum, and corn. Enrollment lists of 13 Harford County militia units are also part of the collection; the units were organized in September 1775–April 1776. Of special importance is a volume of taxables for Bush River Lower Hundred and for Harford Lower Hundred, 1776. The collection also has a "List of Persons that Hath taken the Oath of Allegiance to the State of Maryland" in 1778.

9 boxes, c. 1660–1965

23. Johnson, Baker, Letters, MS. 1656

In early 1773 Johnson received a letter from William Lux discussing the sale of an indentured servant and the current price of such servants. A part of this collection is also a series of letters from Johnson to his future wife, Catherine Worthington, starting in 1784.

13 items, 1773–1809

24. Johnston, Christopher, Papers, MS. 1695

A letter of July 2, 1781, from Johnston to his wife describes his journey to join LaFayette's command. Johnston was a member of the Baltimore Light Dragoons and his letter mentions the trip, reception of the troops, the countryside, etc.

33 items, 1710–1812

25. Jones-Hollyday Papers, MS. 1717

On October 3, 1774, James Hollyday of Queen Anne's County wrote to his

sister in London about general conditions in Maryland, the Hollyday family, and the tobacco trade.

7 items, 1749–1819

26. Joppa Court House Petitions, MS. 1707

A group of manuscript petitions to Gov. Horatio Sharpe against the removal of the Baltimore County Court House from Joppa, and an advertisement giving notice that the petition will be circulated comprises this collection. These documents were published in the *Archives of Maryland*, ed. William H. Browne *et al.*, 72 vols. to date (Baltimore, 1883–), 56: 520–21, 566–80.

10 items, 1768

27. Lee, Richard, Jr., Papers, MS. 2177

These materials document the loyalist claims of Lee, a sheriff of Charles County, and Alexander Lawson, Jr. Lee was declared insane in 1786 and there are comments on this. The collection is entirely copies from the Audit Office of Public Records, London.

7 items, 1775–88

28. London Town Ferry Accounts, MS. 1687

These are the accounts of this Anne Arundel County ferry maintained by William Brown.

2 vols., 1778–79

29. Loud-Goldsborough Family Papers, MS. 1513

The family papers have two draft letters from Henrietta Maria Goldsborough in 1764 discussing Bank of England stock and other matters of her late husband's (William Goldsborough of Talbot County) estate. There are also two documents on the sale of tobacco, 1769–71, by Henrietta.

160 items, 1659–1883

30. McCulloh Family Papers, MS. 2110

The McCulloh Papers contain a large amount of correspondence and other items reflecting involvement (principally with John McCulloh of Philadelphia) in the Middle Atlantic trade in the late eighteenth century including Baltimore, Philadelphia, Richmond, and New York. A main correspondent in the 1780s is the Baltimore mercantile firm of Knox, Usher, and McCulloh specializing in such goods as wine, sugar, flax, tea, etc.

6 boxes, 1773–1848

31. McPherson-Johnson Papers, MS. 1714

This collection has a September 21, 1785, epistle from Thomas Johnson to George Washington about the canal project on the Great Falls, especially on the use of white servants and black slaves.

13 items, 1729–1842

## 32. Martin, Luther, Photostats, MS. 1751

Martin was a prominent Maryland lawyer and attorney general. This is a collection of positive and negative photostats (some with typed transcripts) of documents from a number of different institutions used in Paul S. Clarkson and R. Samuel Jett, *Luther Martin of Maryland* (Baltimore, 1970). Of special interest is a 1781 letter from Martin to Gov. Thomas Sim Lee concerning the trial of servants and slaves, a 1783 letter to Otho H. Williams concerning port duties in Maryland, and a 1784 letter from Martin to an unknown correspondent about making a living as a lawyer.

1 box, 1766-1821

## 33. Maryland Convention of 1776 Journal of Accounts, MS. 1776

This convention was called to formulate a constitution for the state. Records include the name of the delegate, county representing, number of days in attendance and in travel, and payment.

1 vol., 1776

## 34. Military Collection, MS. 1146

A rich collection of muster rolls, accounts, returns, payrolls, pensions, etc. related to the military activities of Maryland during the Revolution is in these boxes. The records include numerous materials in the claims and compensations to ex-Maryland soldiers in the 1780s and 1790s; oaths of fidelity for Anne Arundel, Cecil, Montgomery, St. Mary's, and Worcester counties, 1778; accounts of provisions issued at Annapolis, 1779-84, and at Frederick, 1781 and 1783; account book of the intendant's office, 1782-84; Commissary John Crisall's account of receipts, 1776-82; and Council of Safety abstracts of correspondence. Only a minor portion of this collection has been published in the *Archives of Maryland*, volume eighteen, which contains the military papers. There is a selective listing of the contents available in the Manuscript Division.

11 boxes, 1767-1824

## 35. Miscellaneous Account Books, MS. 1688

Included in this is a 1787-89 account book of Randall and Delozier, Annapolis merchants, for the sale of food, clothing, building materials, yard goods, etc. and a cash book of a possible Baltimore County store showing the purchases of hardware, furniture, rum, clothing, and ammunition in 1773-74.

5 vols., 1773-1837

## 36. Miscellaneous Maryland Maritime Collection, MS. 1931

The Maritime Collection contains a few items of interest to the Revolutionary War period. Included are a 1768 sailing permit for a Maryland vessel; an account of tonnage entering Maryland ports, 1769-71; a 1785 naval officer's account for the Eighth District; and several bills of lading for the port of Baltimore, 1787-99.

77 folders, 1633-1965

## 37. Naval District Papers, MS. 1668

A collection of the First, Second, Fourth, and Ninth Naval Districts including

such records as lighthouse duties, import and export duties, entrances and clearances, cargo manifests, and accounts with the State of Maryland.  
214 items, 1780-92

38. North East Forge Account, MS. 1693

This is a volume of accounts of a Principio Company forge kept by Thomas Russell and entered as evidence in Russell's legal action against the company.  
1 vol., 1771-82

39. Old Otterbein Church Records, MS. 1771

The Baltimore church minutes extend back to 1785.  
6 vols., 1785-1965

40. Revolutionary War Collection, MS. 1814

The Revolutionary War Collection is the largest single group of records on the Revolution in the Society. A great part of the collection consists of correspondence, many of the letters relating to economic and political activities. Highlights include two lengthy letters from Maryland's English agent, Charles Garth, in 1766 relating to the Stamp Act; a 1774 letter from a Boston merchant describing the British blockade; Thomas Johnson Jr.'s letter of acceptance to become the first state governor in 1777; the letterbook of Samuel Smith to George Washington, September-November 1777, on the defense of Fort Mifflin; and a letterbook and receipt book of the Baltimore Town Commissioners for the Procurement of Supplies, 1780. There are a number of records created by the provisional and state governments including the proceedings of the Eastern Shore Branch of the Council of Safety, November-December 1775; oaths of fidelity, 1778; three journals of accounts for the legislature, 1778-81; journal of the Commissioners for Preserving Confiscated British Property, 1781-85; minutes of the Board of Patuxent Associators, 1781; miscellaneous Loan Office papers, legislative petitions, and records of the Intendant's office. Related to these is a 1776 population of the counties with real and personal estates and a 1781 account of different "species" of property showing land, slaves, livestock, etc. In this collection is a vast amount of military records consisting mostly of muster rolls, pensions, correspondence, and such items as the 1780-81 accounts of the Clothier General for the Maryland troops. A small number of the documents are later histories and articles, mostly unpublished. Some of these papers have been published in various volumes of the *Archives of Maryland* and the *Maryland Historical Magazine*. In the Manuscript Department is a complete catalogue of the collection.

17 boxes, 1750-1962

41. Revolutionary War Military Account Books, MS. 1777

An account noting the names of officers, clothing, equipment, etc. for the First through Seventh Regiments, Dorsey's Artillery, and the Annapolis hospital.  
2 vols., 1777-82



## 42. Russell, William, Account Book, MS. 1989

This collection is the accounts of a merchant involved in the West Indian and grain trades and the partner of Matthew Ridley, a Baltimore merchant. The volume records his transactions with London and Glasgow merchants, and there are numerous entries for the hiring of servants, house construction, loans, mortgages, food, liquor, furniture, and horseracing.

1 vol., 1774-83

## 43. Rutland, Thomas, Letterbook, MS. 1726

The letters of this Annapolis merchant and planter discuss shipping and shipowning, trade between Annapolis and the West Indies and London, and the merchandizing of corn, tobacco, and slaves. Correspondents include James Bagues, Gabriel Duvall, Robert Fergusson, Henry Gaither, Nicholas Goldsborough, James King, Walter McPherson, Joseph Marbury, George Mason, and Charles Ridgely of Hampton.

1 vol., 1784-87

## 44. St. Paul's Protestant Episcopal Church Records, MS. 1727

The collection has parish registers and vestry records of the Baltimore congregation. It includes registers of births, marriages, deaths, baptisms, vestry minutes, and pew rents in the Revolutionary period. Use is restricted to the transcripts in the library.

24 vols., 1710-1935

## 45. St. Stephan's Parish Records, MS. 1961

St. Stephan's was located in Cecil County and the collection has registers of births, deaths, marriages, and vestry minutes for the Revolutionary years.

3 boxes, 1693-1913

## 46. Scott, Upton, Letters, MS. 1722

The Scott papers have letters from Francis Key and his wife to Dr. Upton Scott of Anne Arundel County, 1769-72, and a few letters to Miss Elizabeth Key residing at the Scott home, 1777-80; these letters all concern family affairs. The most important aspect of the collection is the letters from Dr. Scott to Henry Maynadier of Frederick County about the sales of wheat, oats, land, and some personal matters, 1780-88.

15 items, 1769-88

## 47. Smallwood, William, Collection, MS. 1875

These papers reflect both his military and political careers during the Revolution. The first part of the collection includes expense accounts and correspondence while serving in the military (he rose to a major general in 1780) with a lengthy letter to Gov. Thomas Johnson in September 1777 on the campaign in Pennsylvania. The remainder is mostly requests and petitions to Smallwood when Governor, 1785-88. Correspondents include John Eager How-

ard, Daniel of St. Thomas Jenifer, Nathanael Greene, and William Paca. A sizeable portion of the collection is copies.

47 items, 1776-90

48. Smith, Samuel, Collection, MS. 1790

The bulk relates to Smith's military career, including his commissions as major (1776), lieutenant colonel (1777), and his discharge (1779); correspondence to and from George Washington regarding Smith's resignation in 1779; letters from Thomas Jefferson concerning the purchase of Maryland flour for the army in 1779-80; and correspondence from Henry Knox, the Secretary of War, in 1786 about the Fort Mifflin campaign. There are also letters from his brother John (1777) about the supplies for Maryland troops and Robert Morris (1786) on business affairs.

49 items, 1773-1836

49. Sprigg Family Papers, MS. 1783

On November 8, 1770, John McKim of Brandywine Hundred wrote to Mrs. David Shields of Baltimore Town about the shipment of "a Quantity of Best Chester County Chees" via the Head of Elk.

1 box, 1770-1893

50. Tobacco Book, MS. 1690

This is a warehouse book listing tobacco received for storage, to whom assigned, and hogshead markings. The warehouses mentioned were at Vienna and Ennalls, Dorchester County; Greenhill, Somerset County; and Barren Creek, Wicomico County.

1 vol., 1783-89

51. Vetch, Alexander, Transcripts, MS. 1748

This is a small collection of letters from Alexander Vetch of Scotland to his son John in Bladensburg, Maryland, discussing family news and including requests for financial assistance, his son's return, and news of his activities.

9 items, 1763-74

52. Washington County Documents, MS. 2079

These are legal papers connected with different cases before the court, a few relating to the Revolutionary era. Of these one concerns a tenancy and another a resurvey.

17 items, 1776-1865

53. Washington County Law Cases, MS. 1818

The records, mostly summons, of the court meeting at Elizabeth Town.

1 box, 1774-97, 1801, 1822

54. White, John, Collection, MS. 1887

White served as assistant commissioner and commissioner to settle the claims

of individuals of the Maryland Line and Maryland Corps of Artillery from 1784 to 1787. In 1787 he was appointed by the Board of Treasury of the United States to settle Maryland claims and, two years later, was appointed by the state to settle Maryland's accounts against the United States. This collection consists of White's correspondence on these matters from 1784 to 1790 to William Smallwood, Christopher Richmond, John Eager Howard, Randolph B. Latimer, and the General Assembly of Maryland.

19 items, 1780-90

55. Woodward-Smith Correspondence, MS. 1842

The correspondence of J. Douglas Woodward, a New York lawyer, to General J. Spear Smith about efforts to locate heirs for final settlement of claims of officers who served in the military during the Revolution. There are mentions of Maryland, Delaware, Virginia, and Rhode Island soldiers.

39 items, 1856-57

## Reviews of Recent Books

*The American Revolution: A Heritage of Change.* Edited by John Parker and Carol Urness. (Minneapolis: Associates of the James Ford Bell Library, 1975, Pp. ix, 173. \$10.00.)

*Leadership in the American Revolution.* Compiled by Elizabeth Hamer Kegan. (Washington: The Library of Congress, 1974. Pp. ix, 135. \$4.50.)

The bicentennial celebration, at least in the scholarly camp, has decidedly avoided the trap of popularized hucksterism. Indeed, the national celebration, building in momentum for the past several years, has resulted in a number of important conferences, meetings, and symposia in which serious practitioners of early American history have had the opportunity to express themselves anew on the vital issues of the Revolution in America. In early May 1973 the James Ford Bell Library Associates at the University of Minnesota called together eleven scholars of national distinction to present varying angles of vision covering such topics as ideology, violence, warfare, loyalism, radicalism, and constitutionalism as they pertain to the Revolution. The Bell Library Associates did not assign a specific theme for their conference, unlike the Library of Congress, which selected "leadership" as the topic for its third symposium on the American Revolution, held in Washington, D.C. during May 1974. Each of the five nationally-recognized participants presented papers on matters directly related to that theme—ironically, in the shadow of the final dramatic moments of the Watergate confrontation. *The American Revolution: A Heritage of Change* and *Leadership in the American Revolution* represent the published proceedings of these two very noteworthy, bicentennial-related scholarly conferences.

It is not an easy task for a reviewer to present tightly-structured, let alone fully coherent, comments about sixteen different academic papers contained in two separate books. In one volume we find a helpful unifying theme which could become a basis for evaluation, but the Bell Associates volume, by comparison, lacks that unifying quality, and the reader must be prepared to accept a *potpourri* of essays. Their diffuse character, though, should not be interpreted to mean that the essays are lacking in individual substance. As a collection they are informative, suggestive, in a few cases even penetrating. But they are not pathbreaking, since it must be assumed that each participant understood that conference organizers and audiences expected to hear general statements reflecting heavily upon the scholars' previous writings. By and large, then, the Bell Associates volume represents a collection of refined, succinct statements of well-known scholarly nuances, brought together through this useful volume in convenient shorthand form. That is the real value of the collection. In contrast the Library of Congress presentations tend to be a bit more original, since the organizers sought out scholars who would assemble materials on aspects of an assigned theme. The difference, however slight, may be important. The Library of Congress symposium wanted exposition more than synthesis.

So much for the descriptive overview. What is particularly striking about these volumes is the overwhelming presence of "consensus-oriented" scholars. Of the sixteen, only two (Elisha P. Douglass and Staughton Lynd) fall outside that well-known historiographical camp. Both attended the Bell Associates conference, with Douglass attempting to put some "internal conflict" into the proceedings by looking at backcountry divisiveness, and Lynd seeking once again to reestablish the legitimacy of understanding critical revolution-

ary issues in economic terms. These two essays hardly stand out in fair competition with the writings of Louis B. Wright, Caroline Robbins, Jack P. Greene, Michael Kammen, John Howe, John Shy, Pauline Maier, Wallace Brown, and John P. Roche (in the Bell Associates volume), or Alfred H. Kelly, Marcus Cunliffe, Gordon S. Wood, Don Higginbotham, and Bruce Mazlish (in the Library of Congress volume). Lynd seemed to recognize his token status when he wrote (p. 146): "I suspect that my intended function is to add a dash of twentieth-century relevance to the solid eighteenth-century bill of fare you have been consuming thus far." Thus disarming a consensus-minded conference by verbalizing thoughts, Lynd went on to present a modest case for an upheaval in the Revolution over questions of economic sovereignty. He had no counterpart at the Library of Congress symposium.

The other fourteen essays, by and large, eschewed notions about potentially formative internal conflict as vital to the interpretation of the Revolution, then or now. Rather one finds a rather steady diet of consensus writing running through both volumes, touching or examining such topics as the pervasiveness of radical Whig ideology under fire from tyranny; the well-ordered crowd following Lockean rules and resorting to violence only when community interests needed protection; the dispossessed Loyalists who were good Americans but even better Englishmen; the unified rebels searching above all else to implant republicanism everywhere; the American military generalship with no qualms about always subordinating military authority to civil republicanism; and the postrevolutionary leadership's commitment to an optimistic ethical worldview, fully realized through Thomas Jefferson's "larger synthesis of constitutionalism, Enlightenment values, and democracy" (Kelly, Library of Congress, p. 26).

Equally of interest to readers should be the pattern of growing conflict among consensus historians over what subjects should be studied, or what themes emphasized. John P. Roche, for example, complains about too much emphasis "on taxonomic exercises in the realm of political theory" (Bell Associates, p. 139) and footnotes the writings of fellow Bell Associates participant Pauline Maier. Roche appeals for more concern about the "improvisations" and "compromises" (p. 145) which made constitutionalism a profound revolutionary accomplishment. Bruce Mazlish (Library of Congress, pp. 113-33), on the other hand, insists that the tools of psychohistorical analysis hold the best-fitting keys to the kingdom. Picking up on Gordon Wood's 1966 plea to "dissolve the distinction between conscious and unconscious motives, between the Revolutionaries' stated intentions and their supposedly hidden needs and desires" (p. 121; drawn from Wood's "Rhetoric and Reality in the American Revolution"), Mazlish predictably jumps on the widely used Anglo-American parent-child metaphor. Refusing to consider it just a metaphorical form of expression, Mazlish ultimately subjects George Washington to the couch, finding abundant oedipal signs. Fortunately for the Revolution's energy, according to Mazlish, George Washington had a domineering mother; fortunately for the new nation's psyche, citizens found a striking new father figure in Washington. Implicit throughout is the charge that Wood and other "traditional" practitioners have not searched deeply enough into the late eighteenth century mind. If they had, then they would have perceived deep-seated, highly explanatory Freudian implications.

From this reviewer's perspective, it is Wood's essay in the Library of Congress volume, as it is John Shy's essay in the Bell Associates text, which possesses the broadest implications for future generalizations. Wood (pp. 63-88) hypothesizes that "for a brief moment ideas and power, intellectualism and politics, came together" (p. 64) through leadership in the Revolution. It was an era when educated gentlemen controlled politics. They were political amateurs who drew upon ideas and used them persuasively—subtle transformations in styles of rhetoric represent a major theme—to form an experiment in

republicanism. One result was that the people, being told cautiously but repeatedly by the leadership elite that the Revolution was theirs, found themselves being drawn into the political arena. Once there, everyday citizens become the most powerful force; ironically, "the gentry . . . gradually lost its monopoly of politics and intellectualism as the audience for politicians, writers, and orators ballooned out to hitherto unimaginable proportions" (p. 73). Even if Wood is not all that clear about specific cause-and-effect relationships in the transformation that he outlines, his sense that the eventual emergence of "public opinion" through the Revolution, and as a basis for democratic action, deserves serious consideration as does his analysis of rhetoric moving from an intellectualized form of persuasion to a tool of emotional sensationalism in decision-making for postrevolutionary politics.

Readers may be surprised to find Wood writing as if an elite, clearly set off from the people, has some explanatory power in interpreting the Revolution, given the "consensus" penchant for lumping all minds together as one. They may also be surprised by John Shy's investigation (Bell Associates, pp. 96-106) of Lieutenant William Scott, the kind of "battered yokel" who made up the ranks of Continental veterans but "whose view of the American rebellion seemed so pitifully naive" (p. 99). For Shy, Scott is but an anecdotal means to an end, the end of showing how people of relatively low status made the real battlefield sacrifices while militiamen, so often maligned, worked in their regions to mobilize widespread popular acceptance of warfare against Britain, often through the brute persuasive power of intimidation and force. As with Wood, the implications of Shy's argumentation are tantalizing, even if Shy seems more concerned with what politicizing functions the militia performed than with what the Bill Scotts suggest to scholars about the possible revolutionary nature of the Revolution itself.

A general review encompassing the writings of several distinguished scholars could go on endlessly. As an overall concluding statement, then, these are successful volumes and will be ranked among the best that are pouring forth from bicentennial-related conferences. Libraries should acquire them; knowledgeable students of the Revolution should read them carefully. The essays are suggestive, stimulating, and most certainly worthy of publication—and scholarly attention.

*Rutgers University-New Brunswick*

JAMES KIRBY MARTIN

*The Problem of Slavery in The Age of Revolution, 1770-1823.* By David Brion Davis. (Ithaca and London: Cornell University Press, 1975. Pp. 576. \$17.50.)

Well into the eighteenth century chattel slavery was profitably entrenched in the New World, and Europeans and Americans alike considered bondage for blacks as part of the natural order of things. There were of course regional and cultural variations in this outlook, as seen in the lives and writings of three planter intellectuals who spent much of their time in their colonial capitals absorbing the enlightened ideas of the age of democratic revolutions. Moreau de Saint-Mery and Bryan Edwards, French and English West Indian planters respectively, were accustomed to large populations of newly imported slaves, acutely aware of the blacks' tribal differences, and fascinated by their "Africanisms"—their dances, speech, witchcraft and funerals. While one "gets the impression" that Moreau and Edwards "actually *liked* Negroes," the "depth and morbidity" of Thomas Jefferson's racism was profound. But neither racial prejudice nor enlightened ideas were as important in the lives of these men as their abiding identification with the interests and culture of a planter class which their political activities were designed to protect.

Unfortunately for them, planters lived in a transitional period—at the end of a premodern, aristocratic, and agricultural epoch and at the beginning of a new and

threatening industrial era. By the 1770s industrialization had brought with it a "profound transformation" in the consciousness of whites, who for the first time saw "the full horror of a social evil to which mankind had been blind for centuries." In the technologically advanced societies in the West, citizens had rather suddenly come to believe that Negro slavery symbolized all the forces that threatened their true destiny.

How this great change came about, and the ideological connections between antislavery and industrialization, are the major themes in *The Problem of Slavery in the Age of Revolution*. In this, the second of a multi-volume study of British and American abolitionism, Professor Davis uses the insights of the sociologist Peter Berger, and the Italian Marxist intellectual, Antonio Gramsci, among others, in order to bring ideas into the market place. More specifically, in the opening chapters he discusses the wider economic and political setting of abolitionism and the political implications of challenging slavery in Britain, France and North America. He assesses the strengths and weaknesses of the institution of slavery itself as well as the ideas and events which helped undermine it. In chapters Four and Five Professor Davis considers such questions as the effect of Enlightenment ideas and religious revivalism on plantation societies, and the social composition of organized antislavery groups; and, while dealing with the ideological functions and implications of antislavery, he raises intriguing questions about the abolitionists' contribution to industrialization. The concluding chapters concern the impact of abolitionism on "two testing points" of Western culture, human and divine (Biblical) law.

Abolitionism followed old channels of national culture and consciousness in America and England. In America abolitionists were part of a revolutionary and republican tradition enlivened by the evangelical heirs of Jonathan Edwards, who insisted that Americans recognize their God as a just—and vengeful—one, and that national rebirth and redemption were theirs, once slaves were freed. In the ominous era of the French Revolution and Napoleonic dictatorship, English reformers, on the other hand, realized that abolitionism was a "Pandora's Box," a challenge to authority which could discredit the cultural sanctions of every traditional form of exploitation. So abolitionism in England defended old ways. Abolitionists saw slavery as an arbitrary power, dangerously separated from traditional sanctions, and they viewed West Indian society, in particular, as a source of easy money, conspicuous consumption, and as dominated by an unmitigated drive for wealth. Rich West Indian absentees, moreover, often came home, purchased titles and landed estates, and insinuated themselves into government circles. The established ruling families saw this activity as rapacious, antisocial, and detrimental to public respect for authority. Nouveaus and nabobs were the same regardless of where their wealth originated. After all, Edmund Burke warned, those who had made it in India were inclined to become Jacobins, since they resented the discovery that there were things money could not buy. In America slaveholders, who lived in the midst of the culture, were pre-eminently influential as revolutionary officers and national builders during the republic's formation, but in Great Britain planters, who lived on the rim of Empire, came to represent to Englishmen at home "all the forces that threatened to unravel the fabric of traditional deference, patronage, and hereditary status."

Yet ironically, English antislavery ushered in what Professor Davis feels was a form of human exploitation—factory labor—at least as dehumanizing as slavery itself. The very men who attacked slavery (especially the highly successful Quaker entrepreneurs) unwittingly advanced industrialization by promoting ideas and values which proved to be remarkably adaptable to resolving a major problem of the age—the control and disciplining of countless tens of thousands of displaced, rural folk. By snipping away at parish poor relief and other vital features of country life—village feast days, fairs and

drunkenness—abolitionists (as well as the free marked economists and Benthamite Utilitarians) helped break down and eventually destroy traditional, communal forms of paternalism in the countryside. And in the process premodern folk were retooled as punctual, efficient, and reasonably docile industrial laborers.

Demonstrating the consequences of the unconscious motives and designs of intellectuals, and rulers generally, is a difficult enough scholarly task, but illuminating the reactions of the ruled is even more difficult. Gramsci, whose ideas have been a significant feature of recent interpretations of slavery, argues essentially that a ruling class's control is hegemonic and so pervasive throughout a culture that its leadership and predominance is obtained by consent rather than force. Before we accept an underclass's "loyalty" as "spontaneous," we ought to correlate an intellectual, with an anthropological, approach, one which focuses on the oppressed, and uses methods suitable to the reconstruction of their historical sensibilities. Davis's life studies at the beginning—of Jefferson, Moreau, and Edwards (which at one time he intended to make the basis of this study)—seem a step in that direction—balancing intellectual history by examining ideas on the ground in specific and concrete situations. With regards to the impact of ideas on the oppressed, an ethnographic perspective is imperative if we are to be sure they acted and perceived their oppression in ways we are told they did in studies of ruling class ideology. Professor Davis apparently recognized this need in his first book. While commenting on the Elkins-Tannenbaum hypothesis about the cultural and institutional variables accountable for less oppressive slave regimes in Latin America, he asked whether or not the worse evils of slavery could be gradually eliminated through wise legislation, or if by its very nature slavery was beyond reform. These are critical questions for both his books: we "still seriously lack a thorough comparative study of Negro slavery in the various colonies," he said; consequently, we must be content with "fragmentary evidence and with extremely tentative conclusions." This work is still to be done. But historians recently have insisted—prematurely it seems to me—that the culture of oppressed peoples is little more than a pale reflection, an extension, of their oppressors' world view and view of them.

This is a particularly rewarding study of elite ideology, however, because it ultimately deals with the major issue of Western sociology (as initially defined by de Tocqueville, Marx, and Weber)—the transformation of an enchanted, aristocratic, and personal world into a secular, egalitarian, and bureaucratic one. Professor Davis's arguments—that slavery is only one of several related forms of oppressive labor; that its most destructive abuses are spiritual not physical; and, that its end introduced more subtle forms of human degradation that we all now ought to face up to—leave a lasting impression. Like Norman O. Brown and Octavio Paz, Davis implies that Western culture is an aberration, and has been so from its inception with the rise of the nation state, its expansion overseas, and the enslavement and extermination of Africans, native Americans, and East Indians. Mines, plantations, and factories, he realizes, have their contemporary equivalents. His final remarks, on the usefulness of Hegel's model of the master-servant relationship, though, are not without hope. First, he mentions the stifling, dehumanizing character of post-industrial society: "we come to all the subtle stratagems, passive as well as aggressive; to all the interpersonal knots and invisible webs of ensnarement which are so much a part of the psychopathology of our everyday lives that they have been apparent only to a few poets, novelists, and exceptionally perceptive psychiatrists." He then ends with the message Hegel "bequeathed," that we can expect nothing from the mercy of God, or from those who exercise worldly lordship in His or other names; "that man's true emancipation, whether physical or spiritual, must always depend on those who have endured and overcome some form of slavery."

*California State University, Sacramento*

MICHAEL MULLIN



*The Character of John Adams.* By Peter Shaw. (Chapel Hill: University of North Carolina Press, 1976. Pp. 338. \$12.95.)

Peter Shaw, in delineating the character of John Adams, has not only utilized the insights of psychology and the resources of history, he has put them together with the craft of a gifted scholar trained in the techniques of literary criticism. The result is an absorbing study that, at its best, brings comprehension and a remarkable coherence to the sometimes chaotic, frequently contradictory mass of self-revelatory material that John Adams left behind for posterity to unravel. Even where Shaw's narrative falls short, leaving unexplored several influences that might be presumed to have had an impact on Adams's personality, his conceptual framework provides a useful tool for approaching questions he leaves unanswered.

Basing his chronological development of Adams's personality on an exhaustive study of the microfilms of Adams's papers as well as the published editions of his writings and the most recent scholarly literature, Shaw has provided a model of the art of psycho-history. The John Adams he portrays is a man forged within the psychological parameters of his Puritan heritage and Yankee New England background, judging himself and the rest of the world by the strict standards of public duty and private self-control that he derived from those influences. For Adams, the primary obstacle to achievement of those standards was vanity. Like the Puritan self-consciously wrestling with the sins barring him from salvation, John Adams throughout his life struggled with the universal and personal sin of pride, scourging himself for possessing it, analyzing its uses and abuses in the human make-up, preparing detailed analyses of the political means for controlling it in society. Adams's own pride came from family sources, from an inherited sense of duty owed to the community, performed through self-sacrifice, and scornful of popularity and public acclaim. But Shaw points out that Adams, as a Yankee, "tended to express his anxieties not by suffering guilt like his forebears but through conflict with others." Thus John Adams's anxieties over his pride and ambition led him into a stubborn streak of independence, and a recurring cycle of conflict with authority figures that he nevertheless respected. Rebellion (whether against his father's desires that he enter the ministry, the office and authority of the Massachusetts governor, the prestige and advice of Benjamin Franklin, or the respect due the English king) was followed for Adams by guilt, next by aggressive feelings and actions against his neighbors, the community, and himself, then by remorse culminating in a temporary withdrawal from the public arena, and at last by a re-establishment of his former respect for the scorned authority. Shaw ties this cycle to Adams's physical breakdowns, correlating his ill health to the mental insecurities that tormented him when he had succeeded in flouting an authority figure, or was forced into inactivity by his periodic withdrawals.

While the struggle with his own vanity provides the basis for an analysis of Adams's personal behavior, his intellectualizing about the effects of vanity on mankind in general illuminates the rationale behind his political and economic theories. Shaw suggests that Adams adopted a "theory of emulation"—a belief that society needs to stimulate ordinary men to emulation of their betters, but at the same time must direct the desire of great men to excel "toward socially useful ends"—and combined it with a conviction that in properly balanced societies private self-interest can be harnessed for communal benefit.

Complex and convincing as are Shaw's arguments and the evidence amassed in support of them, there are several substantial gaps in his analysis. Though Shaw stresses parallels between the psychological behavior patterns of Adams and his Puritan forebears, he attaches little weight to the impact on Adams of Puritan preoccupation with faith. Religion was a matter of lifelong importance to John Adams, both in its institutional and

its theological aspects. How does Adams's perception of a benevolent creator-God fit into Shaw's portrayal of his psychological need for independence from authority figures? Shaw is strangely silent about the relationship between John and Abigail Adams. Some years ago Page Smith wrote that "Abigail insured his [Adams's] sanity." Shaw neither refutes nor elaborates on this simple statement, implying by his silence that Abigail herself had very little impact on the development of John's character or personality. Was she really little more than a sounding board for his analysis of his own shortcomings and triumphs? What insights does modern psychology have to offer about marriage and personality that might throw light on one of the most famous of American marriage partnerships? Nor has Shaw found Adams's friendships of significance in his analysis. What kinds of individuals did Adams choose for his friends, and what was the nature of his relationships with them? Did his quarrels with friends like James and Mercy Warren or Thomas Jefferson arise purely from political reasons, or from psychological causes as well? Finally, to what extent did the tension between Adams's Enlightenment training and his Puritan heritage contribute to his psychological insecurity? To some degree these questions arise from an imbalance in which over one third of the narrative is concerned with the ten years of Adams's ninety-year lifespan that he spent in Europe, where John Adams's intense jealousy of and rivalry with Benjamin Franklin illustrate in detail Shaw's main themes.

To ask these questions is not to denigrate what is a remarkable achievement in a single, comparatively brief volume. Like the best of historical scholarship, *The Character of John Adams* serves to illuminate the past not by answering all questions, but by stimulating new ones, and employing wit and clarity in the utilization of interdisciplinary techniques that have been too often obscured by pedantry and jargon.

*University of Maryland, College Park*

CONSTANCE B. SCHULZ

*The Private Franklin, The Man and His Family.* By Claude-Anne Lopez and Eugenia W. Herbert. (New York: W. W. Norton & Company, Inc., 1975. Pp. xviii, 361. \$11.95.)

Franklin the printer, Franklin the politician and statesman, Franklin the scientist, Franklin the do-it-yourself physician, Franklin the wit and Franklin the author, these have all been presented to the world by scholars and would-be scholars of varying competence. Carl Van Doren's all-encompassing biography of 1937 still remains the best one-volume study of the many-faceted Philadelphian who was born in Boston and became a citizen of the world. The publication of *The Papers of Benjamin Franklin*, now in its eighteenth volume, through the year 1771, has made many of the older studies obsolete. In any event, most of them look at Franklin as he made his public appearances, as he was an object of history.

Only his family and his close friends knew him well enough to see him subjectively; only in his relationship with them does the private man take shape. This private Franklin, the husband, father, grandfather, brother, uncle, longtime boarder and avuncular friend, is the subject of Mesdames Lopez and Herbert's book. And portray him they do, in his slippers and old clothes, sick and well, sad (only seldom) and gay, philosophic, didactic and intimate, warm and patient as well as chilly and annoyed. Anyone who admires the public image of Franklin which has come down to us in fact or fiction will be entranced by this honest, accurate, sensitive, and delightfully written work. Any scholar—and particularly those who have made a special study of Franklin—will be grateful to the authors for their insight, new contributions, and refreshing use of the well known in new perspectives.

Of his parents and his older brothers and sisters little is known except that which Franklin himself recorded about them. His father, who had naysaid many of his youthful

ambitions, became in the son's autobiography a talented soap-chandler. The tried and true recipe for Franklin crown soap was a matter of pride. On the other hand, his brother James who taught him the printer's trade and showed himself an independent thinker, was downgraded. Of all his siblings only Jane Mecom remained close to him, and she was one of the few who could be proud of her older brother and chide him for his lack of religious observance at the same time. Yet, brothers and sisters, nieces and nephews, able and incompetent, sturdy but seemingly all too frequently ailing, came to Benjamin Franklin for help which he unfailingly gave. The portraits of Franklin give him the appearance of a patriarch. His patriarchal role in the Franklin family is one of the themes the authors skillfully weave through their basically chronological account.

In contrast was Franklin's treatment of his own wife and children. Debbie, or "My dear Child" as he most frequently called her, has been submerged under her husband's "she prov'd a good and faithful Helpmate, assisted me much by attending the Shop, we thrived together, and have ever mutually endeavour'd to make each other happy." He had not seen his wife for six years when he wrote those words in his autobiography, and she would die four years later still hopeful that the often promised soon return from England would take place. Mesdames Lopez and Herbert, without—to their great credit—any Woman's Liberation jargon, rescue Deborah from the "happy" state in which Franklin verbally placed her and point out gently that he left her frequently—on public business to be sure—and for heartbreakingly long periods of time. He did not bring up their daughter, she did. He was away as Sally grew, looked upon her marriage to Richard Bache with a somewhat unFranklinian aristocratic sneer, and left the hard decisions up to Debbie.

So, too, the shadowy figure of Franklin's illegitimate son William emerges, thanks to the availability of hitherto unpublished material in the omne gatherum of the Franklin Papers, works in which project the authors are. William Franklin seems, in fact, to have been a capable, politically shrewd colonial governor of New Jersey who kept things well in hand until the outbreak of hostilities forced him into exile. In the face of his father's increasing bitterness about William's loyalty to the crown, which the latter took as his duty, the younger man saw his career shattered and his father estranged. After the war his efforts at reconciliation were rather harshly rejected. Benjamin Franklin in this relationship was far from the wise, understanding human being that vis-a-vis others he seems to have been.

But he did like young ones. Temple Franklin, William's illegitimate son, and Benny, Sarah Bache's eldest, went with with him to Paris. Temple served as his grandfather's secretary and was the old man's favorite, fashionable fop though he was. Poor Benny was sent away to school where he was far from happy, but he was later taught the printer's trade which served him well after his return to Philadelphia. The contrast between Franklin's concern for the boys and his treatment of the parents in their maturity is one of the contradictions of the private Franklin.

If one is seeking libidinous tidbits about a ladies' man, which lesser biographers have pictured in order to peddle inferior wares, they will be disappointed. Franklin had an illegitimate son William; the mother is not known. He had no other illegitimate offspring. There are no records, and even more important, no contemporary rumors of an aberrant sex life. If Franklin's bed and board with Mrs. Stevenson for years in her Craven Street house included a shared bed, no personal nor political enemy—of whom there were many—ever whispered it abroad in a London where character defamation was an ongoing sport. The authors are satisfied to record what is known; it is known that, smirking mythologists notwithstanding, Franklin was not a Don Juan.

Franklin in France is scanted. Mrs. Lopez had already dealt with that in *Mon Cher Papa*, and besides the wily diplomat was being charming and affectionate for public as

well as private benefit. Perhaps this is the key to the real Franklin. He was more charming, more considerate, more patient, and more attentive to most persons who were not his wife and his children. There are people like that; it is not an unusual syndrome. With great understanding, no finger wagging, and unexceptional prose Mesdames Lopez and Herbert have presented Franklin as he really must have appeared away from the spotlight of public life. It is a sign of the maturity of their Franklin scholarship that they never speak of him as "Ben."

*Library Company of Philadelphia*

EDWIN WOLF 2ND

*Decisive Day: The Battle for Bunker Hill.* By Richard M. Ketchum. (Garden City, New York: Doubleday & Company, Inc., 1974. Pp. xv, 282. \$10.00.)

*The Battle of Bunker's Hill.* By John R. Elting. (Monmouth Beach, N. J.: Philip Freneau Press, 1975. Pp. 56. \$10.95.)

The battle of Bunker Hill, an important event in the American Revolutionary War, has received much attention in historical analysis and mythology. Coming as it did only two months after the opening of hostilities between British and colonial forces at Lexington and Concord, the battle was examined with care by contemporaries for clues to the outcome of the growing quarrel. Even though they had gained control of the contested ground, soldiers of the crown were shaken by the results of Bunker Hill, even more so than they had been after April 19. Patriot officers also had mixed feelings about the battle's outcome, for although the New England militia had stood and fought British regulars, still the colonial troops ultimately had been compelled to relinquish their position, and many rebels viewed Bunker Hill as a defeat. In the long run historians drew different conclusions. So did American mythmakers, who enshrined Bunker Hill as one of the events of the Revolution to be mentioned in the same breath with George Washington, Valley Forge, and Yorktown.

In their own ways, both Richard M. Ketchum and John R. Elting have written perceptive and erudite books about the battle, cutting through contemporary opinions, prior historical analysis, and myth to give us dispassionate accounts. They differ in some interpretations, emphases, and sources of evidence, but taken together they exhaustively survey the subject and complement each other. Ketchum's book, an expanded, revised, and illustrated version of an earlier edition, is a handsome volume, the greatest strength of which is its style. The author's narrative conveys the excitement and importance of the battle with gripping clarity, and one comes away from it with a feeling of having come into contact with the fears and hopes of both British and American participants. But the author does not rely on narrative alone to make his points. He also intersperses the flow of events with analysis of characters, military strategy, and historical controversies. The latter he confines mostly to his footnotes, a sound way of organizing his material, for the technique allows him to address pertinent issues without unduly interrupting his inherently exciting story.

Ketchum is fair and accurate in his evaluations of participants, both British and American. He relies for an understanding of Thomas Gage on John R. Alden's sympathetic biography and thus pictures the Massachusetts governor general in a situation largely beyond his—or any other Englishman's—control. In discussing the role of Admiral Samuel Graves, who took the initiative at Boston to suggest to Gage "a plan that was intelligent [and] daring," Ketchum correctly points out that this activity on Graves's part was "startlingly out of character" for a man whose "lack of initiative was almost a byword" (p. 23). General Artemas Ward, the rebel commander, is given generally high marks for his deployment of troops on the day of battle. Ketchum also discusses English

and patriot field commanders with the same balance and judiciousness that he applies to the leading officers.

For all its merits, Ketchum's book presents some problems. He argues that Bunker Hill was a decisive turning point in the course of the Revolution, because the battle committed both Britons and Americans to warfare as an only recourse to resolving outstanding differences, because it proved that rebels could and would fight pitched battles with redcoats, and because after June 17, 1775, Englishmen had a heightened respect for the sincerity and fighting ability of the rebels. Perhaps. But many scholars would contend that these issues had been largely settled a couple of months before at Lexington and Concord. Another weakness of Ketchum's book is that he relies heavily for evidence on secondary works by Richard Frothingham, Allen French, and Christopher Ward. But this criticism can be easily overstated, for he does make good use of primary works from printed and archival sources. Especially well does he employ British ships' logs for corroboration of his interpretations and for settling some outstanding historical questions about the battle—in particular its chronology.

It is in the area of source materials that John R. Elting's study of Bunker Hill is strongest. Elting consults most of the primary materials and bases his judgments more soundly than Ketchum on contemporary observations, without, however, ignoring useful secondary works. Another virtue of Elting's book is that it is written by a professional military man who is trained in scholarship. As Harold L. Peterson observes in an introduction to Elting's volume, "he brings both disciplines together and focuses them on this crucial engagement" (p. 3). The result is that Elting often can make more judicious comments on matters military than can others who have studied the battle. (As an example, he clarified the oft-questioned military reasoning of William Howe in rejecting Henry Clinton's plan to assault Charlestown Neck rather than carry out a frontal attack against the American position on Breed's Hill.) Elting is not as good a stylist as Ketchum, but his writing is lucid and suffers nothing in comparison with most historical craftsmanship today.

In his analysis of the men involved in the battle, Elting, like Ketchum, tries to understand them in the context of their times; the two writers are in general agreement about most figures. However, two men, Gage and Graves, are viewed with considerable difference. Elting, who did not consult Alden's study of Gage, portrays the British commander more negatively—and perhaps more unfairly—than does Ketchum. Conversely, Elting discusses Graves solely in terms of the admiral's uncharacteristic enthusiasm during the early months of 1775, instead of viewing his career as a whole, and consequently sees him in a much more favorable light than almost anyone else has. Few people would agree with Elting that Graves was "a competent naval officer" (p. 6). In fact, another writer, William B. Willcox, has characterized Graves as an old woman, and members of the British military force at Boston inveighed against the admiral's inability to coordinate naval operations with movements of the army.

For anyone who would study the battle of Bunker Hill ("our greatest revolutionary battle," as Richard B. Morris has called it), both Ketchum's and Elting's books ought to be consulted. Certainly the reader should not be encouraged to choose between the two, for each contributes to an understanding of the event. Overall, the books are fine examples of the high quality of revolutionary scholarship in this year of national celebration.

Berea College

PAUL DAVID NELSON

*The Pursuit of Profit: The Annapolis Merchants in the Era of the American Revolution, 1763–1805.* By Edward C. Papenfuss. (Baltimore and London: The Johns Hopkins University Press, 1975. Pp. xv, 288. \$10.00.)

This is a nice piece of scholarship. Though narrow in focus, the research is thorough and the conclusions important enough to merit wide attention. Papenfuse concentrates on the mercantile firm of Wallace, Davidson, and Johnson, which after the war became Wallace, Johnson, and Muir, and finally in the 1790s Wallace and Muir. Theirs was the most important commercial operation in Annapolis, even, for a time, in the entire state. But Papenfuse steps beyond the fortunes of this house and explores the Annapolis merchant community. His narrative thus tells much about the development of the city itself, and, indeed, of the entire Chesapeake region in the late eighteenth century. His purpose is to add a new perspective to the story of the Chesapeake economy, which too often is told in terms of the rise of Baltimore. And he succeeds admirably.

The rise and fall of Annapolis, and with it its mercantile community, is a major contribution in itself. Before the war Annapolis was a tiny marketing center that catered to those wealthy enough to afford means of getting into town. As in Virginia, Maryland's colonial tobacco trade was completely decentralized. London and Glasgow merchants provided the capital, and their ships plied the rivers and estuaries of the bay. Wallace, Davidson, and Johnson tried to break into the British monopoly on the consignment trade as early as 1773, and during the war they made it a near-monopoly of their own. The post-war depression found them greatly over extended and deeply in debt to British merchants. In 1789 the firm was reorganized with the London resident partner, Joshua Johnson, eliminated, and in the succeeding decade it focused on urban retailing, while struggling to pay off its London debt. The last surviving partner, John Muir, eventually confined himself to moneylending and real estate investments, an interest that led him to organize the Farmers Bank of Maryland in 1805. By that time Annapolis had declined from international seaport to country market town.

The story of this business community is important enough, but Papenfuse ranges far beyond the realm of business history. His analysis of the Annapolis tax list for 1783, for instance, offers a splendid portrait of an eighteenth-century village with fresh information on wealth distribution and mobility. Similarly his analysis of the mid-1780s depression, and particularly the impact of Robert Morris's tobacco contract with the French Farmers General, will be indispensable to every future student of the Confederation Period.

Of greatest interest, at least to this reviewer, is his description of the changes in planting procedures and trade patterns in the upper South after the Revolution. Papenfuse disputes the conventional view that tobacco depleted soils and eventually ruined the agricultural base of Maryland and Virginia, a view that traces back to the work of Avery Craven some fifty years ago. Nor does he think that the shift to cereal grains was necessarily a blessing to the region. During the Revolution and for some time after, the adoption of wheat-growing did benefit Maryland farmers because it diversified their production, but, except in the counties at the head of the bay, tobacco remained the primary crop. Because of Robert Morris's tobacco contract, there was considerable demand in France for Maryland's poorer quality tobacco and prices remained high. When tobacco prices collapsed with the outbreak of war in 1793, farmers who worked marginal lands switched to wheat. Since wheat required less labor, they were able to bring more land under production, land that was even less suitable for cultivation. The result was erosion and, because wheat did not require deep plowing, soil exhaustion. By contrast, the market for quality tobacco remained relatively stable, planters with fertile lands, as in the Patuxent valley, continued to grow it, and production continued well into the nineteenth century. Tobacco being a labor-intensive crop, Papenfuse argues, it did less damage to the land than wheat. If this is true, the agricultural history of the South may have to be rewritten.

No book is perfect, but the flaws in this one are minor. A few of the tables could have

been omitted without loss; some of the quotations are overly long. But the Johns Hopkins University Press is to be complimented for a fine production job, especially for the inclusion of some excellent photographs and drawings of Annapolis. Deserving special congratulations is the Maryland Bicentennial Commission for helping to finance the publication of monographs on the Revolution, such as this. It is a rare instance of the intelligent allocation of funds in this year of the Buy-Centennial.

*The University of Wisconsin*

NORMAN K. RISJORD

*The Evolution of a Tidewater Settlement System: All Hallow's Parish, Maryland, 1650-1783.* By Carville V. Earle. (Chicago: University of Chicago, Department of Geography Research Paper No. 170, 1975. Pp. x, 239. \$6.00.)

Professor Earle's study is a significant contribution to our understanding of colonial Maryland, southern plantation agriculture, and early American society. Through his economic and geographic perspective, his precisely formulated questions, and his rigorous analysis, he has deepened and widened inquiries begun by Lewis C. Gray. The study's imperfections reflect the fact that it is basically an unrevised dissertation, that the region discussed—a Maryland parish of some eighty square miles—is small, that many of the calculations are of necessity based on risky manipulation of incomplete statistical data, and that the book represents an attempt to grapple with extremely complex problems. Essentially, the study has two purposes: the first is to examine the impact on the All Hallow's Parish settlement system of the tobacco economy, the environment, population growth, and legislative attempts to control development. The second purpose is to describe continuity and change in the settlement system itself.

Most changes in the tidewater settlement system were caused by external factors; of these factors, the state of the tobacco market may have been the most significant. Constructing a tobacco price series from the inventories of deceased tobacco planters, Earle demonstrates that the economy was subject to constant boom-and-bust cycles, that the frequency and intensity of these cycles increased over time, and that tobacco prices tended to fall before 1747 (from over 1.5 pence per pound in 1650 to .45 pence per pound in 1747) and to rise thereafter. To construct his series, he converts current Maryland money into sterling; as he himself notes, the value of the series would have been enhanced if a commodity price index as well as sterling exchange rates had been provided. Without a commodity price index, the value of the series after the 1720s is open to some question.

Earle next discusses the physical environment of the Maryland parish. He demonstrates that between 1650 and 1720 the parish woodlands were depleted, but argues that soil exhaustion was not a problem: while planters did not rotate crops or use fertilizers, they did rotate fields to preserve the soil. By allowing a tobacco field to rest twenty years, its fertility could be restored, and enough land was available through the 1770s to give the ever-growing population this option. Earle buttresses his argument by showing that tobacco yields did not decline during the eighteenth century. No attempt is made, however, to determine if there was any movement of farmers from high to low quality soil areas as a result of exhaustion in specific regions.

Earle then traces the shift in the source of population growth from immigration to natural increase. In the seventeenth century most growth occurred in spurts through immigration. Immigration increased whenever the economy was doing well. Over the period 1705-1714, however, a lasting increase took place in the white birth rate, and thereafter natural increase was probably the chief source of population growth. When the children born between 1705 and 1714 came of age in the 1720s, the rate of outmigration from the parish increased; extensive outmigration persisted through at least 1765. The attempt to study black population growth produces fewer conclusions.



Finally, Earle deals with the tobacco inspection act of 1747. The act designated official inspection stations from which all tobacco had to be shipped and required the destruction of low-grade crop. Planters hoped the act would increase their profits and stimulate the economy. Rather, per capita production of salable tobacco was reduced 47 percent without raising the price by a similar percentage. Other effects of the act will be mentioned below. Earle also notes the need for further investigation of the economic consequences of the currency act of 1733, but his own discussion is not very clear.

Between 1650 and 1783 several changes occurred in the settlement system: the average planter became richer, specialization in tobacco decreased, agricultural diversification and the potential for self-sufficiency increased, and the relative importance of tenancy grew.

Throughout the period, the basis of the settlement system remained a dispersed agricultural population. Earle uncovers, however, two little known modifications in this pattern: first, at times up to 20 percent of the population was engaged in nonagricultural pursuits. The percentage of people active as merchants and artisans seems partially related to population density and to the capital requirements for entering these occupations. Second, between 1710 and 1750, local and British merchants concentrated at London Town in the parish. But this limited urban growth, the author argues, was ended when the inspection act shifted trade elsewhere.

The tobacco plantation itself was markedly transformed over the period 1650–1783. Earle measures change in the average value of plantation inventories, studies the way assets were distributed within inventories, and counts the number of items in inventories that could be used in domestic production. He finds that between 1650 and 1769 the average value (scale) of the plantation increased, and that, in the short run, average values usually rose during depressions and fell during booms. He also shows that the specialization of the plantation decreased and the potential for self-sufficiency increased. Finally, he indicates that planters diversified agricultural production between 1700 and 1740, first in response to falling tobacco prices and then as a result of West Indian demand.

His most controversial conclusion is that “in the aggregate, planters prospered when tobacco prices were low” (p. 108). Actually, small planters lost ground when prices were low, but the great planters (the top 10 to 20 percent) apparently gained enough material assets and credits to offset the small planters’ losses and increase aggregate (average) inventory values. In contrast, when tobacco prices were high, small planters prospered, great planters lost wealth, and the aggregate value of inventoried estates often fell. Three comments on this provocative argument are necessary: first, the causes for “depression prosperity” are not completely explained. Second, one would like to know if the outmigration of the poor during specific periods affected wealth calculations. The society may have been wealthier during depressions because many poor people had been forced to leave, a possibility that Earle mentions. Finally, a sharp increase in the value of labor in the inventories of the period 1705–1718, after the increase in servile immigration in the period 1698–1704, suggests a time lag between when the planter acquired assets and when inventory values rose. Earle has only partially answered the question of how well inventories represent the wealth distribution of the period and population from which they are drawn.

The one area of stability in the settlement system was the pattern of landholding. Earle finds very slow growth after the 1690s in the landholding class, very little change in the distribution of land, and indications that most tracts were not frequently sold. The stability of landholding, he argues, was made possible by the growth of tenancy. In the seventeenth century 29–33 percent of the householding population were tenants; by the



mid-eighteenth century, 50 percent of the householding population were. Tenancy would have risen even higher except for the outmigration of younger men. Finally, Earle demonstrates that the tobacco inspection act hurt tenants more than any other group in society because they had already lost part of their crop to rent; the act ended the hopes of the tenant for upward economic mobility in the parish.

Earle must be credited with two significant contributions: first, he has presented a concise conceptual framework for studying colonial Maryland; second, he has focused attention on particular aspects of that society: its market economy, the high rates of geographical mobility, the decline in economic opportunity, the institutional structure of economic development, the growing self-sufficiency of the tobacco plantation, the diversification of agriculture, and the prevalence of tenancy.

*Rutgers College-New Brunswick*

PAUL G. E. CLEMENS

*St. Mary's County, Maryland in the American Revolution: Calendar of Events.* By Edwin W. Beitzell. (Leonardtown: St. Mary's County, Maryland Bicentennial Commission, 1975. Pp. 178. \$8.00.)

The American Revolution Bicentennial provides encouragement to examine the nation's past on the local as well as the national scale. Many communities will find that very little happened to them in the period 1775 to 1783. On the other hand, some few will embark on a voyage of rediscovery as the records reveal them to be centers of revolutionary activity. One such community is St. Mary's County, Maryland.

Most studies of Maryland in the Revolution emphasize the state's character as a supply base and transportation link. Very little of the war with Britain took place within the state's borders. But St. Mary's, wedged between the Potomac, the Patuxent, and the Chesapeake, saw far more of the conflict with Britain than its citizens desired. In 1776, 1777, and in the period 1780 to 1783 the British fleet was a constant menace. Cruising the Potomac, invading St. George's Island, "harvesting" crops before their cultivators, inciting slaves to rebel, the British fleet's presence disrupted the lives of the civilian population.

The story of St. Mary's County's encounters with the British fleet, and the details of day-to-day activities in the county during the Revolution, is told by Edwin Beitzell in *St. Mary's County, Maryland in the American Revolution*. In 130 pages Beitzell has produced a chronology of events in St. Mary's as complete and as detailed as the published state records allow. His volume is not a history of the county, but it compiles in one place many of the raw materials of such a history. Beitzell, a dedicated and thorough researcher, has used published sources only, in the main the *Archives of Maryland* and the *Calendar of Maryland State Papers*. He urges his readers to consult unpublished records at the Hall of Records and the Maryland Historical Society for a complete picture of the county and its people.

Beitzell's major interest has been to identify St. Mary's countians who took part in the Revolution. His thorough index will surely aid those looking for revolutionary ancestors. But of equal interest is a personalizing of the Revolution. Few read a volume of the *Archives of Maryland* from cover to cover. Consequently the personal details of the Revolution, like the priest at St. Inigoes who administered the oath of allegiance to his entire congregation, or the petitions of conscripts like Joshua Hebb, Clerk Spalding, and Luke Mattingly to go home to wives and "children who must inevitably starve[if] the men are not permitted to return" are lost.

*St. Mary's County, Maryland in the American Revolution* is intended as a sidelight of

the history of the American Revolution. This reviewer hopes that the layman will read the volume from cover to cover, not because an ancestor is in the index, but because it illustrates the slow, day-to-day course of the American Revolution.

Catonsville Community College

BAYLY ELLEN MARKS

*Representative Government and the Revolution: The Maryland Constitutional Crisis of 1787.* Edited by Melvin Yazawa. Maryland Bicentennial Studies. (Baltimore: The Johns Hopkins University Press, 1975. Pp. x, 187. \$10.00.)

The Maryland paper money emission controversy had been brewing in the state legislature since late in 1785 when in January 1787 the House of Delegates appealed to the people to issue binding instructions to both houses of the legislature. The House had tried twice to enact legislation authorizing the emission of paper money receivable by the state for taxes, and twice the Senate had unanimously rejected the proposed bills. Now in their desperation the House hoped to force the Senate to accede to the bill by having the people of Maryland demand with one voice that the bill be passed. The appeal of the House of Delegates, and the reply of the Senate which claimed that the appeal tended "to weaken the powers of government, and to disseminate divisions and discord among the citizens of this state," engendered a heated exchange of pseudonymous newspaper articles between the advocates of constituent instruction and the defenders of the Senate. This debate continued throughout most of 1787. The importance of the emission controversy thus lay in the fact that it precipitated a clash over more significant constitutional issues: the nature of representation; the relationship between the two houses of the legislature; and the meaning of popular sovereignty. The two principal antagonists in this constitutional debate were Delegate William Paca, a proponent of the right of constituent instruction, and Judge Alexander Contee Hanson, an advocate of a legislature free from popular control.

Melvin Yazawa has gathered this newspaper exchange, as well as the appeal of the House, the reply of the Senate, and several other related documents, into the present volume and supplied an introductory essay entitled "Representation and Constituent Instruction in the Maryland Assembly, 1776-1787: A Study in the Evolution of American Political Thought." He demonstrates that in defending the Senate against the threat of binding constituent instructions, Hanson was brought ineluctably to qualify the accepted notion of popular sovereignty. Hanson was forced to claim that the people were only periodically sovereign (either at election time or in dissolving the government at a critical moment) and not continuously sovereign. Having constitutionally delegated authority to representatives through election, the people then became subject to the laws enacted by their representatives, and had no right to interfere in the activities of their legislators. As Hanson phrased it, "All power indeed flows from the people, but the doctrine that the power, actually, at all times, resides in the people, is subversive of all government and law." This, according to Yazawa, was an important stage in the evolution of American political thought—the explicit statement that the people were subject to a constitution which they themselves had created.

Although Yazawa's assessment of the novelty of Hanson's arguments and their importance to American political thought may be valid, the debate did draw heavily on European, and particularly English, precedents of constituent instruction. Considering the repeated attempts of the disputants to buttress their positions through the invocation of such English authors as Locke and Sidney, a discussion of the relationship between the ideas of Paca and Hanson and those of the English writers would have enhanced the value

of the introduction. Yazawa might also have related the constitutional debate sparked by the emission controversy to the most important constitutional debate of the time—that over the ratification of the United States Constitution.

I believe Yazawa has also defined his editorial responsibilities too narrowly to suit a documentary work such as this, with its numerous references to political treatises and historical incidents. There is no textual annotation. Locke, Sidney, Blackstone, and Hume are no doubt familiar to most students of early American history, Thomas Rutherford and Judge Jeffreys perhaps less so; but surely some bibliographical amplification is in order when William Paca cites “Simler. Helv. Dess. p. 276, 310” and “Bu Pol. D. 204.” Yet despite these omissions, Yazawa has provided the historian of American political thought and Maryland political history with a valuable compilation of important constitutional documents.

*The Papers of Benjamin Henry Latrobe*

JOHN C. VAN HORNE

## Book Notes

*George Washington, A Biography.* By Washington Irving. Ed. and abridged by Charles Neider. (New York: Doubleday and Co., 1976. Pp. xlvii, 740. \$9.95.) This new one-volume abridgement of Washington Irving's mid-nineteenth century biography entitled *Life of George Washington* is welcome and should prove to be useful. The flaws in the earlier work are well known: Irving relied too heavily on Jared Sparks' edition of Washington's letters, the biography is too long for today's tastes, the style is at times ponderous, and Washington occasionally gets lost in Irving's desire to cover the entire revolutionary era. Nevertheless, Charles Neider has given the general public a readable Irving's *Washington* and a manageable version of a classic life-and-times biography which still has literary as well as historical importance. It ought to prove to be one of the more enjoyable items on the growing Bicentennial bookshelf. [Joseph W. Cox]

*Amateurs at Arms.* By George Wunder. (Harrisburg: Stackpole Books, 1975. Pp. 96. \$9.95.) The author has used his considerable talent as a comic strip artist to develop a "dramatic moment" approach to the history of the American Revolution. Each page of text contains a description of events and circumstances at a particular moment in time and a separate description, in different type, of the highly subjective involvements of the actual individuals who were the primary actors in the detail of the drama pictured. Pages opposing the text illustrate the events in Wunder's characteristic "Terry and the Pirates" style. In all, there are forty-two such vignettes, each illustrating and describing a dramatic experience or observation relating to an event affecting the outcome of the American Revolution. Much effort has been spent in research to establish the factual detail presented both verbally and graphically. Nevertheless, this is primarily a picture book which should be attractive to young readers and others whose tastes approve of Wunder's distinctive art style and use of color. [Robert H. McCauley, Jr.]

*Manuscript Sources in the Library of Congress for Research on the American Revolution.* Compiled by John R. Sellers, et al. (Washington, D.C.: Library of Congress, 1975. Pp. vi, 372, \$8.70.) Divided into two main divisions, domestic and foreign collections, this guide includes materials from 113 repositories in fourteen countries. It is superbly indexed and easy to use. Researchers on Maryland in this period should consult this guide, since there are over fifty major collections on this state, many of which closely relate to the Maryland Historical Society's holdings. [Richard J. Cox]

*The Sinews of Independence: Monthly Strength Reports of the Continental Army.* Edited by Charles H. Lesser. (Chicago: University of Chicago Press, 1976. Pp. xxxviii, 262. \$12.50.) This is a companion to *The Toll of Independence: Engagements & Battle Casualties of the American Revolution*, edited by Howard H. Peckham and also a part of the Clements Library Bicentennial Studies. The introduction contains an excellent analysis of the creation and history of the records, their accuracy, and statistical information and potential usage. The reports are arranged chronologically, but unfortunately there is no index, and it is not possible to pinpoint state regiments or officers without going through the entire volume. There is a great deal of information on Maryland, much of it not available in the muster rolls and military records of volume 18 of the *Archives of Maryland*. [Richard J. Cox]

*Encyclopedia of American Silver Manufacturers*. By Dorothy T. Rainwater. (New York: Crown Publishers, Inc., 1975. Pp. 222. \$7.95.) This book is an enlargement of her previous work, *American Silver Manufacturers*, published in 1966. In addition to a greatly expanded text, many more names of silver manufacturers are included. Other trade marks have been discovered, and there are illustrations from actual pieces of silver. A new feature is the section on trade names. The original book has been invaluable to one researching silver, and this more comprehensive edition is both more interesting and informative. [Helen W. Griffith]

*A Guide to the Microfilm Edition of the Mordecai Gist Papers*. By Richard J. Cox. (Baltimore: Maryland Historical Society, 1975. Pp. 26. \$2.50.) Again the Society makes available to a wider audience a valuable portion of its manuscript holdings. Gist's papers consist of over 700 items, mostly letters but including "proceedings of courts martial, weekly and monthly regimental returns, muster rolls, accounts, officers' lists, guard reports, and orderly and account books." The whole is reproduced on two rolls of microfilm at \$20 per roll, \$40 for the two including the *Guide*. The *Guide* contains a brief account of the provenance of the papers, a useful sketch of Gist's military career, a bibliographical essay, and a calendar of the items microfilmed.

*Founders of Early American Families: Emigrants from Europe 1607-1657*. By Meredith B. Colket, Jr. (Cleveland, Ohio: General Court of Founders and Patriots of America, 1975. Pp. xxxi, 374. \$19.50. Box 1810, Cleveland, 44106.) Meredith Colket, for some years the distinguished director of the Western Reserve Historical Society, has attempted to list all American settlers who arrived in the first half century of colonization, and in this he has been completely successful. Unlike so many similar authors he has given biographical information and references to sources of importance to the researcher. In noting the publishers (and therefore sponsors) of this work, it might be assumed that editorial policy would be controlled by the Order, but it is gratifying to note that although the Order decided on the cut-off date, the names are not limited to members of the Order. In all, there are well over 3,000 names listed, and although the well-informed will note several important omissions, the work certainly meets the standard of a member of the distinguished fraternity. Obviously a must in most libraries where genealogists congregate, and a most useful volume for anyone who qualifies as a historian of the first 50 years of America. [P. W. Filby]

# Notes and Queries

## SPECIAL AWARD

Mr. David W. Gaddy's article, "William Norris and the Confederate Signal and Secret Service," which appeared in the Summer 1975 issue of the *Maryland Historical Magazine*, has been named recipient of the sixth Annual Award of Merit presented by The Museum of the Confederacy, Richmond.

## INFORMATION WANTED

One of the historical projects currently in progress in Anne Arundel County is the preservation of the Publik House in London Town. Situated a few miles south of Annapolis, this eighteenth century brick building provided rest and refreshment for travelers using the ferry across South River. The ferry and the roads leading to it were an essential part of the transportation system that connected the northern and southern colonies. London Town itself dates from the late seventeenth century when by Act of Assembly it was established as an official port for the province of Maryland.

The London Town Assembly is collecting information about old London Town, the use of the Publik House and the use of the ferry. Without doubt much information exists in letters, diaries, and other records of colonial and revolutionary times. Possibly some of these are in the possession of some of the readers of this magazine. Anyone with any material relating to the Publik House is requested to write the London Town Publik House Commission, Rt. 3, Box 300, Edgewater, Maryland 21037.

## GENEALOGY INFORMATION WANTED

I would like information about the following names in Maryland during the seventeenth through nineteenth centuries.

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John I. Stewart 1785-1843  
Thomas Skinner ?-1675  
Thomas Pattison ?-1701

Sylvester Clifford of Baltimore City

Christian Craig (Kraig) from Germany, 1842-1925

James I. Hooper (Hoopper), 1798-1870 from Calvert County to Baltimore about 1835.

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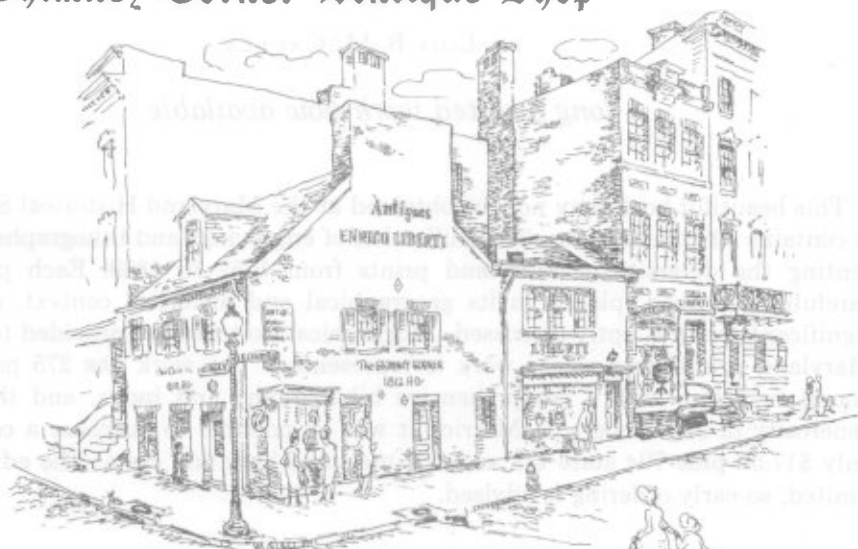
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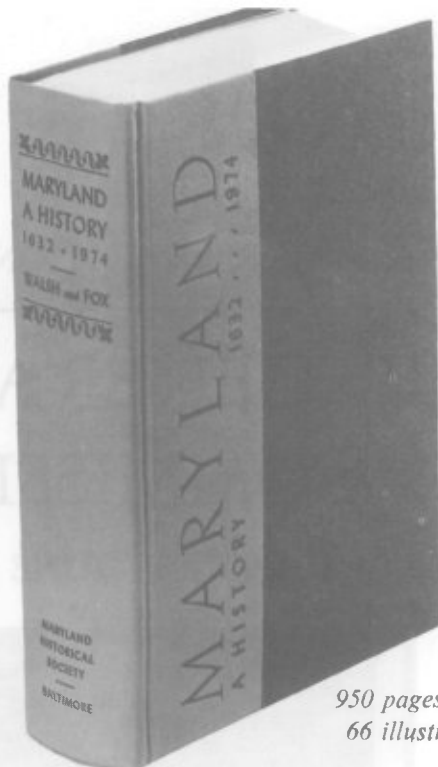
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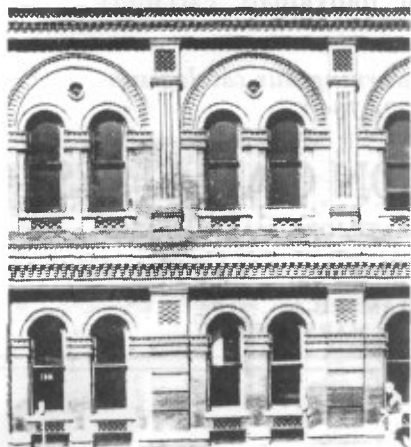
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